

# Consumers affected by declining fishing industry

By Sam Bari

Local fishermen, from draggers to lobstermen, and every kind of license holder in between, are feeling the effects of state Department of Environmental Management (DEM) regulations designed to downsize the industry. However, more than the fishermen are feeling the effects of the fast-shrinking local fishing industry. "Consumers are affected too," said Greg Zeek, a local commercial fisherman and owner of Zeek's Creek Bait and Tackle on North Main Road.

Zeek's store is also a popular retail outlet for fresh, off-the-boat seafood that includes locally-caught tuna, mahi-mahi, swordfish, striped bass, shellfish and lobster. Inventory is more difficult to come by every day, Zeek said. "It's the worst I've ever seen it," he added. "Little is available and the wholesale prices for good, local seafood are ridiculous. To stay competitive leaves little room for even a modest profit," Zeek said. He noted that along with less volume, good quality is harder to find, yet the demand is still there. That has not changed.

"The state DEM has regulated commercial fishing into obscurity. And the effects of their regulatory policies trickle right down to the consumer. Fishermen are selling their boats and getting out of the industry because they can't afford to stay in business. Pretty soon, anyone wanting fresh seafood will have to go out and catch it themselves, or buy from a store supplied by an importer, because we will no longer have a local fishing industry," Zeek said.

Zeek cited rules that he and other fishermen deemed ridiculous, that are blatantly designed to impede the ability of Rhode Island fishermen to earn a living. "For instance, guys that had to stop fishing and do other work to make a living, now only fish part-time on the weekends. They were just dealt another blow. The state DEM made a new rule that they can't fish commercially for fluke on Fridays and Saturdays. What purpose does that rule have other than to put even part-time fishermen out of business?" Zeek asked.

He said that he doesn't have a problem with the supposed goals of the DEM to replenish the fishery. He emphasized that responsible commercial fishermen believe that all fisheries need to be managed to assure the future of the resource. He does, however, have a problem with the way the DEM is managing the Rhode Island fishery. Zeek and other commercial fishermen feel that the state is making every effort to privatize the industry.

The Rhode Island Fishermen's Alliance, an advocacy group with

more than 200 members, has challenged the state and taken them to court over their unfair regulatory policies. The group claims that many of the rules imposed by the state are unconstitutional. Their efforts have been rewarded, but



Dragger working the waters off Beavertail.

not without a long and costly legal battle for each small victory.

One of the recent victories challenged the DEM imposed RI boating registration requirement on federally documented commercial fishing vessels. Rhode Island fishermen received a favorable decision in RI District Court from Judge Patricia Moore, who ruled the registration requirement to be unconstitutional. The Department of Fisheries opposed the decision and has filed for a judicial ruling in the RI Supreme Court. The case is pending.

The state has succeeded in prolonging their efforts with legal maneuvers to "avoid being held accountable," according to Alliance president Richard Fuka.

"The people of Rhode Island need to understand that their precious fishing industry will be gone forever if the current Carcieri administration continues to promote privatization and corporate streamlining of the fishery," Fuka said in a recent letter to Alliance members.

He said the Alliance is currently hoping for a negative court decision to deny the state request for a change of venue to try the case against them in federal court instead of state court. He and members of the Alliance believe the

state knows that many of their regulatory policies oppose provisions made in the state constitution for fishermen's rights.

The Alliance has cited RI Constitution, Article I, Section 17 as proof of their accusations. The RI Fishermen's Alliance, said that his biggest complaint is how the DEM used regulations, that he followed, to drive him out of the lobster business. Todd Lander, vice-president of the Alliance, as well as all the other members have similar stories. Lander said, "In 2001, when they (DEM) told us that we had to cut down on the number of lobsters taken, I only caught lobsters for personal use that year. I thought that was the right thing to do. However, I fished part time commercially in 2002 and 2003. When I applied to renew my license in 2004, I was told that the number of traps I could run would be based on my productivity over the previous three years. My productivity was way down for this period. For this, I was punished. The number of traps I can run was reduced from 800 to 42. I can't make a living on 42 traps. They put me out of business."

Zeek, who is a member of the

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ness."

That scenario is a common lament among Rhode Island fishermen, for Alliance members as well as non-members. They want to see the fishery recover, but they also want to have assurances for their future, and they don't want to be punished for their efforts to comply.

They do not feel the state has a right to regulate them out of business. They believe they have a right to know that upon recovery, the fishery will be open to anyone who wants to participate. They are fighting to retain their right to make a living. If the fishery needs to recover, they want the recovery level defined so they know what the recovery level of the fishery is. They want better management, with rules designed to replenish and sustain the fishery, not privatize the business for the benefit of the few.

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