

**Editorial**

# **Of Fish and Flexibility**

June 12, 2009

Senator Charles Schumer has introduced a bill called The Flexibility in Rebuilding American Fisheries Act. Flexibility, in this case, means bending to the will of fishermen who want to keep vacuuming up depleted fish populations before they have a chance to recover.

The bill aims to help New York fishermen whose livelihoods depend on fluke and other species. To achieve this narrow objective, however, it would poke holes in the Magnuson-Stevens Act, the basic law governing fishing in federal waters. The act, strengthened by Congress in 2006, imposes ambitious timetables for rebuilding fish stocks and gives scientists a say in setting limits.

It is those sensible restrictions under which the fishermen are now chafing, and which Mr. Schumer's bill - the companion to a House measure sponsored by Frank Pallone of New Jersey - seeks to gut.

The bill would allow the government to consider the economic consequences of fishing restrictions, and prolong the deadlines for rebuilding fish stocks. It's an understandable response to the frustration of fishing interests, like the Long Island charter and party-boat captains who say they are seeing more fluke than ever and who accuse rigid bureaucrats and misguided scientists of unfairly limiting their catch.

But the fluke fishery - to name one of many - has not yet been rebuilt. It's getting there, but needs to complete the journey. The point of strengthening Magnuson-Stevens was to give impartial scientists, not self-interested fishermen, a greater say in deciding how many fish to take from the sea and to tighten catch limits that historically have been much too generous. The health of the oceans has never benefited from putting short-term profits ahead of long-term, sustainable fishing.

The new Magnuson-Stevens rules deserve a chance to work, without meddling. They have been mischaracterized by their opponents as arbitrary and inflexible, but in truth they have been designed to use the best available science and to be regularly re-examined and adjusted, as the evolving health of fisheries permits.

Mr. Schumer's dedication to his fishing constituents is admirable; he has been known to speak eloquently in defense of fishermen while standing at a lectern in shirtsleeves holding up at arm's length a dead fluke. This makes fishermen happy. But if the fish were alive and able to speak for its beleaguered brethren, it would say, with justification: Chuck, you're killin' us.