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MAY 2008

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2008 Persistent advocates Highliners



RODNEY AVILA
New Bedford, Mass.



TILMAN GRAY
Avon, N.C.



CRAIG PENDLETON
Saco, Maine

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2008

Highliners

We've never sat down and tried to come up with a creed for *National Fisherman* Highliners, but something along the order of "whatever it takes" or perhaps, "rising to the occasion," might fill the bill.

The Highliners I've known don't preach in lofty terms or set themselves apart from other fishermen. If anything, it's their involvement with fishermen and their communities and their willingness to take action that sets them apart.

Rodney Avila's commitment to safety has paid off, not so much in accolades, but in lives saved.

Tilman Gray remains in the arena, battling for fishing communities, despite his frustrations with the system.

And Craig Pendleton has shown that in the era of growing public awareness of the ocean and its ecosystems, partnerships with diverse interests are a crucial component of survival. — Jerry Fraser



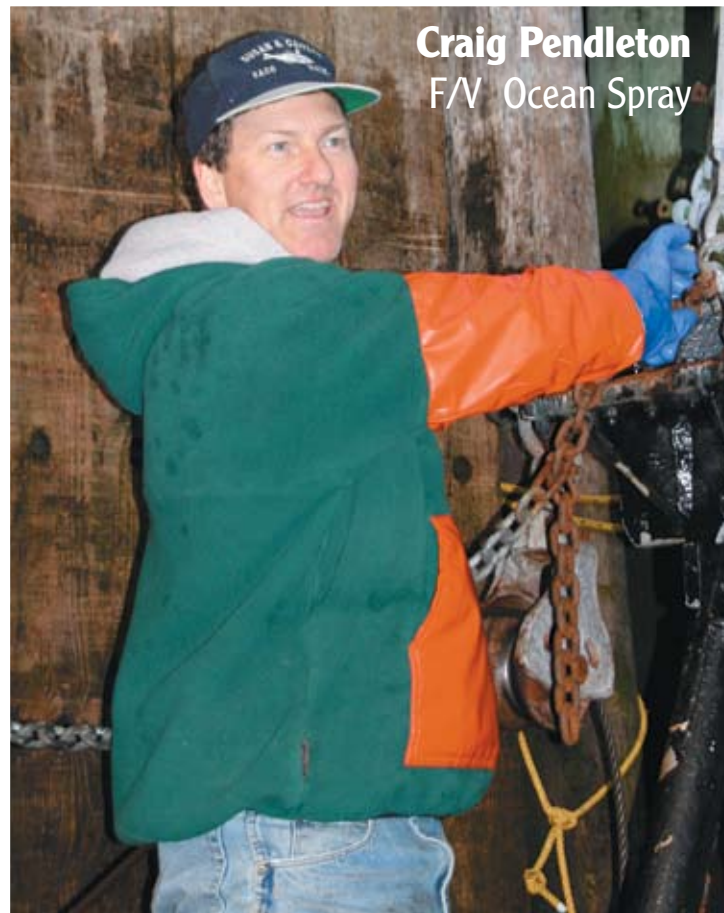
Rodney Avila
F/V Trident

PETER PEREIRA



Tilman Gray
F/V Miss Jessica G

BONNIE GRAY



Craig Pendleton
F/V Ocean Spray

JERRY FRASER

Seeing safety as a virtue

Rodney Avila, New Bedford, Mass.

Knowing what he does now, Rodney Avila looks back on his 48 years in the fishing industry and realizes just how lucky he's been.

"I always bought the best equipment I could. But I didn't know how to use it," says Avila, 64, a central organizer of New Bedford's safety program, one that's been called the most successful community-based effort in years.

"By the time it comes to use the equipment, it's too late to learn," Avila says.

Some 750 fishermen have learned from the New Bedford program, with a payoff: The safe return of eight crewmen after two recent sinkings.

The scallop boat Jacob Alan sank 40 miles southeast of Nantucket in September 2007 a day after its crew had practiced their abandon-ship drill; all five crew and a federal fisheries observer on board donned their survival gear and were safe in a raft when rescue arrived.

Just a few months later, in February, a captain's safety training paid off for him and two crewmen when they escaped from the Green Eyes as it sank near Fire Island, N.Y.

Training seminars at the University of Massachusetts School for Marine Science and Technology in Dartmouth show fishermen how to use flares, emergency position indicating radio beacons and other safety gear, and how to keep the equipment maintained and functional.

That includes positioning EPIRB brackets so the devices can float free and making sure the hydrostatic releases on life rafts are installed correctly, Avila says.

"I find that a lot," he says of those raft releases. "Especially on the smaller boats, the captain gets the raft back from being serviced, puts it in the back of his truck and takes it down to the boat, but then they hook it up the wrong way."

A fourth-generation fisherman, Avila began fishing in earnest with his dad on day-boat trips in his early teens, and saw both the mores of traditional fishing — taking just what's needed for a day's pay — and the onset of high-pressure, over-capitalized fishing.

Coming from the New Bedford groundfishing background, Avila was as skeptical as anyone when critics talked of reining in the fleet. But after he joined the New England Fishery Management Council in 1994, amid the nightmare of shutting down the region's best fishing areas, he began to see that the industry had resisted restraint for too long.

After the scallop boat Northern Edge sank in December 2004, Avila was drawn to the industry's other long-standing deficiency, safety training.

Indeed, until he was trained himself, Avila says, he had little appreciation for "the cascade effect. It's a series of little problems that can lead to a sinking."

Avila served on the New England council from 1994 to 1997, and returned to that seat in 2004. He's been project manager for the New Bedford fishing families' assistance center, and was the city's marine supervisor for four years.

Avila's work as a safety coordinator began when Coast Guard Capt. Mark Landry, from the First District office in Boston, asked him to become the liaison between victims' families and the Coast Guard as the service investigated the fatal December 2004 sinking of the scallop boat Northern Edge.

"Rodney originally got pulled in because of his marketing and getting-out-the-word skills," recalls John Reardon, the general manager of IMP Fishing Gear in New Bedford who works with Avila on training sessions and vessel drills. Avila's credibility and reputation in the port became a critical part of the package, Reardon says.

"I was still working for the city of New Bedford as marine supervisor," Avila says. Former Mayor Frederick M. Kalisz Jr. worked his connections to get federal assistance for safety training, and the fishing community began to respond.

"It's like when seat belts started years ago. At first it was annoying, and no one wanted to do it," Avila says. "But once you get used to it, it's easy. That's what I find with the safety training."

"We've lost several boats here over the last few years," Avila says. He traveled to the Alaska Marine Safety Education Association's seminars, to learn and get certified.

Now Avila does monthly drills with crews, averaging around 37 boats a month.

"I associate drills with driving a car," he says. "You get better at it. If someone pulls in front of you at 60 miles per hour, you jam on the brakes instinctively. You know what to do in a second. That's where you want to be with the drills."

It all worked for the crew of the New Bedford scallop vessel Jacob Alan when the boat began flooding around 5 p.m. last Sept. 28. Meghan Miner, a fishery observer with AIS Inc. of New Bedford, was aboard and provided a detailed account of how Capt. Antonio Vieira and his crew used their safety training.

On Jacob Alan's seventh day at sea, the crew had listened to radio chatter as the Coast Guard searched for men overboard from another boat, Miner wrote: "The captain, also disturbed by these reports, ordered us the next day to do a safety drill. We went out on deck in fairly rough seas... and put

our survival suits on."

The next day, Miner was roughly awakened by Vieira, and joined the crew scrambling into their survival suits for the real thing, as water rose up in the engine room.

The Coast Guard learned the boat was in trouble when its EPIRB and Miner's personal locator beacon were activated, and they were picked up within hours by another fishing boat.



RODNEY AVILA

Experience is no substitute for training when it comes to safety, says Rodney Avila, a fourth-generation fisherman.

The kind of cultural change that made a hardworking scallop crew pause for a safety drill is exactly what Avila sought. "It is the top priority," he says. "Because nothing else is important unless you come back." — Kirk Moore

Fighting 'cultural catastrophe'

Tilman Gray, Avon, N.C.

Tilman Gray, 48, is a Hatterasman, and that sets him apart on introduction.

Avon, N.C., where Gray founded Avon Seafood 18 years ago, where he and his wife, Bonnie, have raised their four children, and where he docks his boat, Miss Jessica G, is near the south end of this long ribbon of sand that keeps the Atlantic Ocean out of the Pamlico Sound. From the mainland, it is not easy to approach by car or truck. Whether from the north on the roads and bridges across the Croatan and Roanoke sounds or from the south by car ferry across the wide Pamlico, the trip takes about three hours.

Outer Banks fishermen have long been on their own, and they like it that way. For decades, they have been able to choose between fishing and shoreside work — frequently in the building trade — as seasons and economic cycles dictate.

But now the economy is faltering, and shoreside opportunities disappear as over-regulation and restrictive quotas of the past decade have strangled the fishing industry. The option to go fishing is vanishing, not

just in North Carolina but in coastal communities everywhere, Gray says.

"Our government has stolen it," he said. "Right now, there's thousands of folks who are starving to death because they can't go back to fishing."

Gray calls the dismemberment of commercial fishing a "cultural catastrophe," and, probably second only to providing for his family, his life is a campaign to stop it.

"The problem is the same and the solution is the same all along this coast," Gray said. "What we've got to do is put those people back to work."

As a practical matter, Gray says quotas on summer flounder, dogfish, snapper and grouper, black sea bass, and large coastal sharks could all be sustainably increased while creating fishing jobs.

Gray, who's been a fisherman "all my life," grew up in a maritime family. His uncles were fishermen and his father, Oscar Gray, was in the U.S. Coast Guard. His grandfather ran C.C. Gray and Sons, a seafood business in Avon.

Gray has owned Avon Seafood for years now, but he still runs his own boat — the 42-foot ocean gillnetter Miss Jessica G — targeting king mackerel, Spanish mackerel, bluefish, croaker, trout and other species off the North Carolina coast.

A former member of the North Carolina Marine Fisheries Commission, Gray decided in



BONNIE GRAY

Tilman Gray, who fishes from North Carolina's Outer Banks aboard his 42-foot Miss Jessica G, is battling to preserve the fishing life.

Cover story

2004 that he had reached a dead end on efforts to help fishermen from within that organization.

Now he hammers at his points all the way from the Dare County Commission to the U.S. Congress.

Recently, Gray and several of his fellow fishermen took their case for deregulation and management reform to the Dare County Board of Commissioners, which they hope has the clout to force change at the state level.

"There will probably be 15 of us there," Gray said before the meeting. "We are each going to go there and gripe and tell them what they can do to fix it.

"What we've got to show them, this is what's worked in the past," he said. "It would create a tax base. It's not only the fishing industry, it's most small businesses."

Gray and his colleagues argue for deregulation and larger quotas where it is possible for the state to act unilaterally, and seek to apply pressure on regional fishery managers, Congress and the federal government where it isn't. Reform the marine fisheries commission leadership so it is friendly and fair, and free fishermen to help rebuild the economic base of coastal communities, Gray asks.

A few days after the meeting, the entire county commission left for Raleigh to

lobby on their behalf, Gray said.

Gray says the South Atlantic Fishery Management Council also is stacked against commercial fishermen and that snapper-grouper amendment 13C, implemented in 2006, is an example of failed management.

Allied with several other fishermen and the North Carolina Fisheries Association, Gray and his co-plaintiffs have spent more than \$100,000 challenging the amendment in court.

Last summer, a U.S. District judge upheld the challenge on a couple of points, ruling that the amendment did not meet requirements of Magnuson that rebuilding plans for overfished species consider the welfare of fishermen. But in a later decision, after court-ordered arbitration, the judge ruled against the fishermen.

"It's almost like a whole different judge came back," Gray said, adding the fishermen will appeal the decision. "I don't see how we cannot."

Meanwhile, the campaign against commercial fishing continues, Gray says, with current efforts to reallocate snapper-grouper in favor of the recreational sector.

"The South Atlantic council is steamrolling on," he said. "They are now in the process of reallocating those fish."

"You reallocate that fish, you are taking

access away from that person in Kansas, in Oklahoma. I don't believe that was the way Magnuson was intended."

Sean McKeon, executive director of the North Carolina Fisheries Association, says he often seeks advice from Gray, who sits on the association's board of directors.

"He is someone who gives a tremendous amount back to this industry," McKeon said. "He spends a lot of time

and his own money. He is someone who doesn't just think about his own interests. I have two or three very close counselors, and he is one of them."

"The number one thing," Gray said, "is that fishermen have to start supporting one another. If somebody in the Northeast has a problem, every fishing association in the Southeast should reach out and help them." — Hoyt Childers

Reaching out in polarized era Craig Pendleton, Saco, Maine

It was 1995, the battle between fishermen and environmentalists had joined, when Craig Pendleton was beckoned by what he thought was the dark side: a Boston lawyer with the Conservation Law Foundation.

"Peter Shelley called me like six times, and I called him every name in the book, told him to 'go [expletive]' himself," Pendleton recalls, with a laugh that's straight out of the wheelhouse of his boat Ocean Spray.

But Shelley persisted, with help from his associate Jennifer Atkinson who talked Pendleton into attending a workshop in Portsmouth, N.H. And it changed Pend-

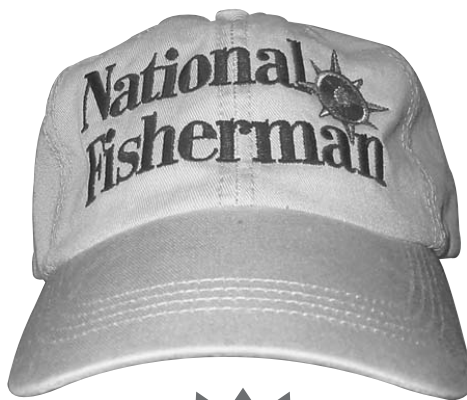
leton's life.

"We saw an opportunity to break down the barriers between people who called themselves environmentalists, and fishermen who are truly environmentalists, but have to work for a living," Pendleton says.

He came out of that Portsmouth meeting to help organize the Northwest Atlantic Marine Alliance, a hybrid stakeholders' group that links fishermen, coastal communities and activist groups in common purpose.

"He's dedicated to the fishing industry, and not just some members, but everyone," says Proctor Wells, a Phippsburg, Maine,

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captain and friend of Pendleton's who's known him for 30 years, since they met as students in the University of Rhode Island commercial fishing program.

"He's embraced not only fishermen, but environmentalists and everybody else... He strives to come up with good, reasonable solutions to fisheries management issues."

Rollie Barnaby of the University of New Hampshire Cooperative Extension program and Sea Grant is a marine alliance trustee, and one of the founders in the 1990s. He remembers a somewhat different Craig Pendleton back then.

"He was kind of a fiery dragger captain who felt strongly about what he did," Barnaby recalls. "He grew into this. He began to enjoy working with people like Peter Shelley at the Conservation Law Foundation and [2000 *NF* Highliner] Pat White from the Maine Lobstermen's Association... He started to realize the environmentalists and the lobstermen weren't the enemy."

Even as coordination director of the marine alliance, Pendleton was never shy about sharing his thought processes. "Craig always spoke his mind," Barnaby says. "Even when he was being collaborative, it might be seen that he wasn't."

The Northwest Atlantic Marine Al-

liance's pedigree aroused suspicion in fishermen. The group was incubated by the Conservation Law Foundation until 1998, when it set up independent headquarters in Pendleton's home port of Saco, Maine.

Other fishing advocates were alienated by the group's stance on groundfish litigation in 2000-02, when they filed papers as interveners on the side of environmental groups challenging NMFS management in federal court.

"I'll be 48 years old soon, and I'm old enough to remember filling the boat with fish," Pendleton says. "The environmental community realized after meeting us that the fishermen weren't the problem, it was the management system."

When U.S. District Court Judge Gladys Kessler handed down her December 2001 decision putting the failure of groundfish management on the government, Pendleton studied her written opinion and saw an opening. He called Paul Parker at the Cape Cod Commercial Hook and Line Fishermen's Association, a like-minded group.

"I said, 'This is a huge opportunity. Let's side with the judge.' It appeared to the general public and the industry that we were siding with the environmentalists... But we were the ones that influenced Judge Kessler to send this to mediation.

It worked to our advantage.

"There were people who already hated us," Pendleton adds, "but the people who liked us, really loved us after that."

Now Maine groups like the marine alliance are leading a campaign for groundfish sector allocations, a new management approach they hope will save small ports. But in late 2007 Pendleton told alliance trustees it was time for him to leave: "I'm used up. I did what I could. Let me walk away while we're on top."

"He just fought so many battles," Barnaby says. "And he'd been away from the boat for such a long time."

Pendleton was back out on the Gulf of Maine in late February, catching northern shrimp. "The price has been 54 cents, which was kind of pathetic, and we've paid up to \$3.45 a gallon for fuel," he says. "But we're making a paycheck. They've been right off the beach. We hauled back in 90 feet of water the other day and it was full, just great fishing."



JERRY FRASER

Craig Pendleton owned a larger dragger but traded it for the Ocean Spray, which had been fishing out of Montauk, N.Y.

Rebuilding the Maine shrimp industry was one of Pendleton's goals in his last years at the alliance. He sought advice from creative organic farmers and seafood marketers.

"That's the direction I would have gone into, having a marketing director to look into building processing capacity," he says. "It can work if you have fishermen controlling their market. We've always been price takers, not price makers."

Says Wells, "He is a stand-up guy. Anybody can stand in the back of the room and complain. Very few people step up to the plate and try to create an avenue for making progress... He's honest and forthright, and going to look out for everyone's interest." — Kirk Moore **NF**

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