

Florida's Position Regarding HR 200 (Extended Jurisdiction)

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Several years ago efforts were made to have the northern lobster declared a creature of the continental shelf because of extenuating problems resulting from foreign fisheries offshore of the northeastern United States. Florida was one of the few states opposed to this action, primarily because it was felt that this would establish a precedent whereby many other nations would follow suit, probably forcing the exodus of Florida fishermen from many foreign waters. Of particular interest were the Bahama fisheries for spiny lobsters. In spite of several years of negotiations by FDNR, this did indeed come to pass and some 280 Florida vessels were excluded from fishing in the Bahamas, causing severe repercussions to the Florida spiny lobster fishing industry. Once the Bahamas had made this declaration, the U.S. Department of State began negotiations to try to save Florida's traditional fishery rights on the Bahamas Banks and come to some agreement in maintaining those fishing rights. All of these efforts failed, leaving Florida's spiny lobster fishermen to go on welfare, to search for other fishing methods, and to otherwise be virtually forgotten by the federal government.

Now we have HR 200, a bill which has just passed the House of Representatives. Its main thrust is to extend United States jurisdiction unilaterally to the 200-mile limit instead of the present 12 miles. Florida is also opposed to this, as are the Secretary of Commerce and President Ford, on the basis that such a unilateral extension would disrupt and undermine the multi-national negotiations going on under the Law of the Sea Conference. The establishment of a 200-mile limit through the auspices of the Law of the Sea Conference would automatically set up the foundation whereby national and international agreements would be reached to preserve traditional fishery rights and to make mutual exceptions. On the other hand, a unilateral extension by the U.S. would force similar reaction on a nation-by-nation basis which would create uncertainty, confusion, and would force us back to the negotiating table in a manner very similar to what happened in the Bahamas. As we've already pointed out, those negotiations failed miserably. However, Florida is again in the minority on this particular issue. Many states strongly need help to protect their fisheries which extend beyond the 12-mile limit and they see the 200-mile limit as being the answer to these problems. Thus, Florida has apparently lost this battle.

However, HR 200 does many more things than just extending unilaterally the fishery management zone. It sets up extensive regional councils whose sole duty is to gather data and provide fishery management plans for the consideration of the Secretary of Commerce. These councils are well represented by states and fisheries agencies and contain great expertise in fishery matters. They are well founded for their knowledge in these areas. Yet in spite of this, the final authority rests with the Secretary of Commerce in all major matters. Thus, the regional councils are simply figureheads to gather data and present plans which may be vetoed by the Secretary of Commerce. Among the major items which can be decided by the Secretary of Commerce alone is preemption of the state jurisdiction to the coastline. This would allow the federal government to take over all fishery regulations, not just to the edge of the states' territorial sea, which is currently 3 miles, but right to the coastline. In addition, some of the animals which have been suggested for fishery management under HR 200 are oysters and anadromous fishes which would carry the preemption clear into the internal waters of the state. No formal definition of internal waters is given in the bill, and this is another serious problem. Thirdly, it gives the Secretary the ability not only to establish sport and commercial fishing licenses, but to determine where and for what these funds will be spent. It is possible, under the present wording of the bill, that license fees, forced upon and paid by Floridians and Florida tourists, would be spent in Oregon on the salmon industry. Florida feels these major decisions should not rest in the hands of a single individual located in Washington. If these regional councils have been properly set up and established to have peer group expertise, then we feel that preemption and these other major changes and considerations should be initiated by a vote of the regional councils rather than resting in the hands of a single federal employee.