

An Innovative State-Federal Concept In Managing Fisheries Resources

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Today I am going to talk about the State-Federal Fisheries Management Program being developed by the National Marine Fisheries Service (NMFS) in cooperation with the states. Over the past year and a half, the program concept has been discussed at the annual meetings of the Atlantic States Marine Fisheries Commission, American Fisheries Society, Gulf States Marine Fisheries Commission, International Association of Game Fish and Conservation Commissioners, National Fisheries Institute, Pacific Marine Fisheries Commission and other organizations.

As Congressman Downing stated yesterday, this program is intended to enhance cooperation between the states and the federal government. Also, the program is designed to assist the states in the development and implementation of management plans for various fisheries. With input from the states, industry and other user groups, the program has been modified considerably since its inception.

The basic recurring theme in the relationships between the coastal states and the federal government, as they relate to marine fisheries, is that of uncertainty – uncertainty as to jurisdictions, uncertainty as to obligations and uncertainty as to responsibilities. Actually, there is additional uncertainty in many of the fisheries, uncertainty as to the amount of domestic and foreign fishing effort and

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Traditional concepts are of little value today as we seek solutions to management problems created by significantly increased fishing effort and modern fishing techniques. For many years the states have been concerned with attempts to manage fisheries resources whose natural migratory paths transcend state and federal boundaries. Now this issue is being confronted in a way which is as unexpected as it is dynamic; as novel as it is consistent with today's realities. This approach is prompted by recognition of the responsibilities the federal government shares with the states for fisheries management. The states' responsibilities, conveyed by Title II of the Submerged Land Act of 1953, do not extend beyond the territorial seas except to govern its own citizens on the high seas.

The federal responsibilities are much broader and are grounded in the unique overall relationship created by our system of federal government. The federal interest comes from a recognition – long implicit, more recently explicit – that there is a direct federal interest in certain fisheries and the resources upon which they are based. Viewed another way, the time has come to acknowledge one

fundamental truth in our thinking about fisheries management. It is that the states and the federal government do not occupy polarized positions on fisheries management. The federal interest and the state interest are not mutually exclusive. We see the respective roles of the states and the federal government in fisheries management as being entirely complementary.

The Office of State-Federal Relationships in NMFS was established to provide a focal point at which the creative abilities of the states and the federal government could be coupled to develop synergistic and truly dynamic fisheries management systems. Applied to certain resources, these systems would function for the ultimate benefit of the states and for the citizens of the United States.

We are breaking new ground. In addition to the partnership concept already mentioned, we are exploring innovative management systems which take into account not only the biological requirements of the resources, but the economic and social well-being of people dependent upon those resources for recreation and livelihood. This means that, in addition to concentrating on the biological imperatives, we must also identify and work toward optimum social satisfactions in each such fishery. This represents a sharp break from past management practices.

We no longer believe that we can fully discharge our responsibility by solely insuring the survival of certain living marine resources. Too often we have permitted the fishermen to fend for themselves within the constraints devised by fisheries managers. It is clear that the former policy has often resulted in marginal incomes, depletion of resources, allocation and jurisdictional conflicts, and the squandering of economic resources that could have been more profitably employed elsewhere in our economy.

Some state fisheries administrators have expressed concern that the federal government is preparing to preempt state control in the territorial seas. Both Director Roedel and I are keenly sensitive to this concern. Both of us have held responsible positions in state fisheries management programs and we well know how some states might view such a federal initiative. It would not likely meet with broad acceptance — nor should it necessarily. The states are in a position to make management decisions which, for good or ill, will impact upon recreational opportunities for thousands and in some cases hundreds of thousands of salt-water anglers — and affect the incomes and well-being of commercial fishermen, shore workers and others engaged in supporting industries.

In the main, such decisions tend to have strong political overtones. Where the resource is only of local importance, we would contend that the federal responsibility, if any, is not as great. However, in those instances where the resource transcends political boundaries, where decisions taken by one state impact upon neighboring states, where international competition exists or where marine fisheries products significantly enter interstate commerce, the federal government's responsibility to all citizens of the United States becomes paramount. It is here that shared decision-making becomes imperative. It is in these circumstances that the state-federal partnership program comes into play.

A cardinal tenet in our thinking is that any management plan likely to provide the social and economical benefits that we believe should accrue must embrace the complete geographic range of the resource. In those cases where the

resource is exploited by foreign fishermen on the high seas, it may be essential that appropriate allocation systems be devised by quota or otherwise to insure that United States fishermen derive appropriate benefits from the management system.

I should point out, however, that there is an often overlooked aspect to this problem of international allocation. It is one thing for us to go to a foreign government asking for controls on their fishermen when we have no management plan of our own; it is another when we have an established system and can show that the foreign intrusion is jeopardizing that system. I don't mean to overstate this point — in some cases it might not make any difference at all — but a fishery under sound domestic management lets the other fellow know that we attach considerable importance to that particular fishery.

It is obvious, in my judgment, that any management plan must be based upon sound scientific evidence. Unfortunately, in too many cases, this evidence has not been sufficiently developed and serious data gaps exist largely because we have failed to invest the monies necessary to obtain the desired information. We now realize, however, that we can no longer afford the luxury of waiting until all the known gaps are filled before developing management plans. Events are moving much too fast. Fishing effort proliferates and more and more fisheries become depleted. Foreign competition both on the fishing grounds and in the market place is intensifying. This means that we must develop our plans with existing data and be prepared to modify them as new information becomes available. This, in a way, underscores the inherently dynamic character of the marine fisheries in the last quarter of the 20th century.

It is our hope that data needs can be filled in part by another related state-federal program utilizing grants under the Commercial Fisheries Research and Development Act (Public Law 88-309), recently extended, and the Anadromous Fish Act (Public Law 89-304). We believe that grants-in-aid authorized by these acts should be directed whenever possible toward obtaining knowledge required to the continuing refinement of management plans. This will mean that the states will be in a much stronger position, either singly or cooperatively, to perform their management responsibilities.

Among the goals we have identified in the State-Federal Fisheries Management Program are: (1) resource protection from natural or man-related depletion; (2) the development in time of management systems for at least all major fisheries; (3) the allocation of resources between competing users; (4) improving interstate and federal cooperation where a common stock ranges across state or federal boundaries; and (5) identifying appropriate social and economic gains from resource utilization by taking an integrated multi-disciplinary approach to management.

Much remains to be done. We are presently engaged in the cooperative development of a multistate management plan for the American lobster from North Carolina to the Canadian border. At almost the same time a similar plan — again of a multistate character — is being worked out on the west coast for Dungeness crab. Other fisheries are being evaluated on a priority basis in the NMFS Regions by the states in cooperation with our Regional Directors. Simultaneously, research into the social and economic returns from a number of fisheries is being

conducted. We hope to discover what reasonable potentials may exist, but which have not been realized because of defects in past and present management systems.

These defects are widely recognized. In general, they stem from two basic root causes. I have already touched on one of these – the problem which the Stratton Commission termed “splintered jurisdiction.” It is here that the most cogent argument can be made for the recognition of an independent national interest in marine fisheries, whether recreational or commercial or both.

However, there is a second and perhaps equally compelling problem to be faced. Fisheries resources are not inexhaustible. Unfortunately, it seems to us that the willingness on the part of far too many people to commit economic resources to the utilization of our limited marine resources may be endless.

The plain fact is that in nearly every fishery – not all but certainly most – the earnings of fishermen and other segments of the industry are slowly but surely being eroded simply because too many people with too much gear are competing for limited resources.

It has been suggested that one solution would be to improve the environment – to increase, through biological or environmental manipulation, the productivity of a given fishery resource. In the short run, an increase in productivity will obviously generate better recreational opportunities and greater earnings. But as surely as night follows day, a seemingly inexorable expansion of effort will invariably be attracted into such a fishery until the newly enlarged resource base is again in distress through overexploitation and other factors.

A rational way of approaching this problem, as we see it, is by developing controls on access to the resource – by limiting entry to the fishery where such limitation is needed and seeking ways of reducing current levels of effort without interfering with efficiency when such a reduction is clearly indicated.

It is difficult – but not impossible – to meet the philosophical arguments against limited entry. We have heard it said that the commercial fisheries are almost the last bulwark of the free enterprise system that has so greatly contributed to the strength of the United States. The argument runs that any United States citizen has an inherent right to invest where he wants to – and to go broke if he must.

This argument breaks down, however, in those cases where the additional investment causes economic hardship to all previous investors. And this is the heart of the matter. If the impact of each subsequent investment fell only upon that investor, a state of equilibrium would soon be achieved, as tends to be the case in other fields of economic activity.

Precisely because this does not – indeed, cannot – occur naturally in the fisheries under our present open entry system, it is absolutely essential that ways be devised so that the fishing industry becomes more closely analogous to other industries in our society.

So much for philosophy. We propose to translate concepts into an action program through a series of carefully designed steps: (1) Discussions (currently in progress) between state and federal experts for the purpose of selecting fisheries on a priority basis in need of management. These discussions would take

place while key individuals in the various user groups would be kept informed on the discussions taking place; (2) Creation of policy and technical committees for each such fishery to be managed. The policy committee would be composed of state and federal fisheries administrators while the technical committees would be composed of a mix of scientists and technicians. We are presently involved in such committees in the New England region for American lobster and are beginning this phase on the west coast for Dungeness crab; (3) The committees would consult further with various user groups for the purpose of developing optimum – and practical – management goals and practical plans for achieving these goals; (4) The policy committee would have primary responsibility for selecting that management plan which would best achieve identified goals; (5) The management plan would be cooperatively implemented by the states and the federal government with financial support through federal management grants of up to 100%.

Once policy committees for developing and implementing high priority fisheries management plans are created, we anticipate that federal funding under this program would be available for: (1) evaluation of existing regulations from the standpoint of biological and socio-economical factors; (2) collection and analysis of additional information needed for solving the two root problems I have already mentioned; (3) further development and implementation of management plans; and (4) continued improvement of regulations and their enforcement.

During the past 2 years, approximately 14 contracts dealing primarily with the socio-economic aspects of fisheries management have been granted to state agencies and various universities. The three interstate marine fisheries commissions (i.e., Atlantic States Marine Fisheries Commission, Gulf States Marine Fisheries Commission, Pacific Marine Fisheries Commission) have received small contracts for the purpose of improving communication and coordination between the states and between the states and the federal government.

I have previously mentioned development of an 11-state American lobster management plan. A surprising consensus was reached at the last meeting of the policy committee on this species and we think that within a reasonable period of time both the inshore and offshore stocks could be harvested under a management plan which takes into account the two root problems which have already been discussed.

As to the future, we are counting rather heavily on several legislative proposals. The first of these is scheduled to be introduced in the next Congress and would, among other things, provide the federal government with authority to promulgate and enforce regulations in the contiguous fisheries zone and, as far as United States citizens are concerned – and foreign fishermen whose governments have agreed to it – seaward of the contiguous fisheries zone.

We are also preparing legislation designed to encourage the states to enter into cooperative management plans with the federal government and which would provide funding for both the development and implementation of fisheries management plans. As an indication of the way this program is unfolding, we are already proceeding with the plans, even though the required legislation remains to be enacted.

Other legislative input may involve specific authority for limiting entry and we expect to participate, as some states have suggested, in developing a Uniform Model Fisheries Act for consideration by the states.

Secretary of Commerce Peterson, NOAA Administrator Dr. Robert White, and NMFS Director Philip Roedel all place great importance on this program. They believe and we believe that new initiatives in fisheries management are essential if we are to preserve the resources for future generations and restore the economic health of all our coastal recreational and commercial fisheries.