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The Trend of Our Fisheries Policy

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As many of you know, the old Bureau of Commercial Fisheries became the National Marine Fisheries Service (NMFS) when the President created the National Oceanic and Atmospheric Administration (NOAA) by means of a reorganization plan about 2 years ago. Since that time I have heard about efforts leading toward a cogent national fisheries policy. It has not yet been fully accomplished, but as an example of the difficulty in this area I read a few weeks ago that a committee that reports to the Secretary of Commerce has, for several months, been unable to agree on a definition of "good fisheries management." Fisheries matters are usually highly complex, and not always are they even related to one another.

It has been said, and I am inclined to agree, that the past few years have seen progress in our quest for solutions to some of the vexing fisheries problems that have plagued the overall industry for many years, despite the fact that most of our coastal fisheries are either fully developed or, as in too many cases, seriously burdened by being overdeveloped.

Too often the question is not whether to catch more fish, but how to divide the known quantity of fish internationally, between sport and commercial interests, and between the citizens of neighboring states. I want to return to this point later.

The 92nd Congress was unusually productive in legislative matters of concern to the fishing industry generally. For example, the Farm Credit Act of 1971, which is Public Law 92-181, broadened the scope of the original legislation to include fish cooperatives within existing agricultural cooperative systems, to permit fishermen to borrow from the Production Credit Association and to

permit associations of producers or harvesters of aquatic products to borrow from the Banks for Cooperatives.

Another example of the fisheries legislation passed by the 92nd Congress is the Federal Ship Financing Act of 1972. This amends the Merchant Marine Act of 1936 to expedite procedures relating to vessel mortgage guarantees, simplifies paperwork, and better meets current industry needs for investment capital. This legislation would broaden the time limits on the use of government-assisted financing and provide refinancing authority enabling vessel owners to convert to financing with longer maturities and/or lower interest rates, thereby making additional resources available for modernization and expansion of the domestic fleet.

Legislation that received considerable attention in the public press was the Marine Mammal Protection Act of 1972, which sets up a Marine Mammal Commission with a committee of scientific advisors. The Act sets forth a goal of the protection and development of marine mammal stocks, with the primary aim of maintaining a healthy and stable ecosystem.

Many other bills of interest to fisheries were passed by the 92nd Congress. The Amendment to the Fishermen's Protective Act, the Coastal Zone Management Act, an act to extend the provisions of the Commercial Fisheries Research and Development Act, the Ocean Dumping Act and a number of other laws were enacted. The list is long, and I cite only some of them to show that progress is being made and that Congress is aware of the problems facing our fisheries.

Regarding legislative activity in the next session of Congress, I look forward to legislation dealing more directly with fisheries management than we have seen in the past. I feel that such legislation should enable the appropriate authorities to manage all our fisheries, even on the high seas. This management should be accomplished in a way to encourage state cooperation in the development and implementation of fisheries management plans and should provide funding for that purpose. Generally we should enhance cooperation in fisheries management *among the states, and between the states and the federal government.*

It has been only in recent years that an inherent federal role in fisheries management began to be recognized. Historically, and under common law, the actual management of domestic fisheries was believed to be the sole responsibility of the coastal state, with the federal input largely confined to scientific studies. The only exceptions were in cases where, because of international treaty obligations incurred by the federal government, federal control was required. In 1947, however, the Supreme Court abruptly modified this tradition. The Court ruled that "all power and dominion" over the resources of the territorial seas was reserved to the federal government. Congress responded in 1953 with the Submerged Lands Act, a section of which essentially quitclaimed all the federal interests in the resources of the territorial seas back to the states.

It has become obvious since 1953 that the states, in many cases, have met increasingly difficult problems in the management of many of the coastal resources. In some cases this is because the resources are migratory, moving from one state jurisdiction to another, or outside territorial waters, to the high seas.

The Stratton Report of 1969 identified this problem as one of "splintered jurisdiction."

The role of the federal government, and indeed its responsibility in such cases, is becoming increasingly obvious, because important resources and the industries, both commercial and recreational, they support, cannot be sustained adequately under the present "splintered" system. For this reason, NOAA and NMFS are beginning to identify fisheries that can appropriately be described as possessing a *broad national interest*.

These are fisheries that cross state boundaries, which involve multi-state or foreign fishermen or which become significant in the interstate commerce of the United States. The federal interest arises, not through the states but independently of them. It arises out of a national concern for the consumer in Iowa, for the marine angler who lives in Virginia but who fishes in North Carolina, and through the constitutionally reserved control of interstate commerce and authority for the conduct of foreign relations. This interest does not include all fisheries. Many coastal marine fisheries do not possess these attributes. Those fisheries are based upon resources which do not migrate or which do not enter commerce in a significant way.

Having determined that a specific fishery has that broad national interest, it follows that the federal government has a clearly defined responsibility, in full cooperation with the states, to assist in the development and implementation of rational management practices. Such practices are needed so that the return, biologically, economically and socially, may be optimized for the benefit of the present generation, while preserving important options for future generations. Failure on the part of Washington to meet this obligation would be clearly inconsistent with the responsibility of the federal government to the states and to the citizens of our country. This is one trend I see in our fisheries policy.

I understand that NMFS is working on this newly defined responsibility. The Office of State-Federal Relationships in NMFS is developing cooperative programs with the appropriate states in several major fisheries. This trend is accelerating. And I say it is high time. In general fisheries management efforts have not kept pace with exploitation, even though there has been widespread activity in a number of international commissions. Some fisheries have undergone extremely wide fluctuations, some have virtually collapsed; few have been managed wisely.

In the established fisheries of the future, more imaginative and controllable management programs must be initiated. The objective of such programs should be to maintain the resources at their maximum annual sustainable yield and to utilize the fisheries in the most effective manner.

Another program now underway in NMFS may do a great deal to guide us in future fisheries policies. I refer to the MARMAP program -- the acronym means Marine Resources Monitoring, Assessment and Prediction Program. This is an integrated ocean survey of a size and scope never before attempted; it seeks to evaluate all living marine resources off the coasts of the United States. Preliminary surveys began in June 1972 off the Atlantic coast. When the program is completely operational it is expected to provide: (1) notice of real or incipient damage to marine resources because of overfishing or changes in the marine

environment; (2) scientific information in support of the need for legislation or regulations to protect living marine resources and (3) a series of reports describing the distribution and abundance of various species, data on catches, statistics, analytical documents and fishery advisory bulletins.

We hear a good deal of the need for a National Fisheries Policy, and while I agree we probably need some updating, I recall the Fish and Wildlife Act of 1956. The first paragraph reads:

"The Congress declares that the fish, shellfish, and wildlife resources of the Nation make a material contribution to our national economy and food supply, as well as a material contribution to the health, recreation, and well-being of our citizens; that such resources are a living, renewable form of national wealth that is capable of being maintained and greatly increased with proper management, but equally capable of destruction if neglected or unwisely exploited; that such resources afford outdoor recreation throughout the Nation and provide employment, directly or indirectly, to a substantial number of citizens; that the fishing industries strengthen the defense of the United States through the provision of a trained seafaring citizenry and action-ready fleet of seaworthy vessels; that the training and sport afforded by fish and wildlife resources strengthen the national defense by contributing to the general health and physical fitness of millions of citizens; and that properly developed, such fish and wildlife resources are capable of steadily increasing these valuable contributions to the life of the Nation."

The section states further that "... the fishing industry ... can prosper ... only, if certain fundamental needs are satisfied ...," and that "these needs include freedom of enterprise, protection of opportunity, and a degree of governmental assistance." One hears it said that this statement may no longer represent current needs or the best interest of the public today and is, therefore, best ignored or forgotten. Others say it has stood the test of time, that it may not be perfect, but that until it is changed or superseded it is not only the best we have but pretty good at that.

I believe the Director of National Marine Fisheries Service put it well when he spoke to the 101st Annual Meeting of the American Fisheries Society last year about a national fisheries policy. He said, "As is so frequently the case, we cannot stop operations in midstream, awaiting the evolution of a neat new policy package. Indeed, our programs for the current and next fiscal years already reflect policy shifts stimulated by the administrative and congressional actions that created NOAA.

Other factors playing a role in formulation of our fisheries policy are further preliminary meetings leading to a proposed International Law of the Sea Conference. I will not attempt to deal with such a complex subject during my limited time today, but bear in mind what Ambassador Donald L. McKernan said to the United Nations in August of this year: "We remain committed to the concept that both sound conservation and rational utilization must be linked directly to the biology and distribution of the living marine resources involved." He said further, "We believe that the coastal state should have the right to regulate the fish stocks inhabiting the coastal waters off its shores as well as its anadromous resources. We also believe that inherent in this right of the coastal state would be a strong preference to the utilization of such stocks. Those are the particular

resources upon which its coastal fishermen must rely for their livelihood and upon which its people rely for a substantial part of their nutritional requirements.”

That, of course, is only part of the Ambassador's statement. To those of you interested, I would recommend reading his entire statement, dated August 4, 1972.

On the domestic scene, there are the problems of conflicts between sport and commercial fishermen which seem to be always with us. The research program on migratory marine game fish went to NMFS when NOAA was created, and to me this was an expression of the desire to have our living marine resources treated and managed as a whole, rather than as disparate factions based on constituency difference. It seems abundantly clear that only by doing so can we insure that these resources are afforded the protection essential to their existence.

The goal of NMFS is to carry out a national marine fisheries research and management program, and to achieve an integration hitherto impossible. Our fisheries scientists are convinced that even though there are conflicts between sport and commercial fishermen, if the characteristics of a fish population and its potential become known through competent research, there will be reasonable people on both sides who will strive for acceptable solutions.

The NMFS and NOAA are still new on the national scene, and while there is an urgent need for a fisheries policy that is known and understood by all concerned, there is a more urgent need to make haste slowly so that when a formal policy is promulgated, it will be one we can live with and be proud of in the years ahead.