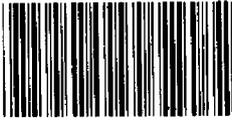


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STATEMENT OF
HENRY ESCHWEGE, DIRECTOR
COMMUNITY AND ECONOMIC DEVELOPMENT DIVISION

BEFORE THE
SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION AND
THE ENVIRONMENT
HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES

AT

OVERSIGHT HEARINGS

ON

[THE FISHERY CONSERVATION AND MANAGEMENT
ACT OF 1976]

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MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

WE ARE HERE TODAY TO DISCUSS SOME OF THE WORK
WE HAVE DONE AND ARE DOING TO ASSESS THE PROGRESS IN
IMPLEMENTING THE FISHERY CONSERVATION AND MANAGEMENT ACT
OF 1976.

FISHERIES MANAGEMENT
UNDER THE ACT

IN JANUARY 1979 WE REPORTED TO THIS SUBCOMMITTEE
(CED-79-23) THAT THE NATIONAL MARINE FISHERIES SERVICE
AND THE REGIONAL COUNCILS HAVE MADE PROGRESS IN
ESTABLISHING THE STRUCTURE FOR FISHERIES MANAGEMENT
AND IN PREPARING AND IMPLEMENTING PLANS TO MANAGE FOREIGN
AND DOMESTIC FISHING FOR SELECTED SPECIES. THIS HAS LED
TO DECREASED PRESSURE ON SOME DOMESTIC FISH STOCKS.

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WHILE PROGRESS HAS BEEN MADE, BASIC PROBLEMS EXIST IN CARRYING OUT THE ACT. LIMITED BIOLOGICAL AND SOCIO-ECONOMIC DATA IS AVAILABLE ON WHICH TO BASE FISHERY MANAGEMENT PLANS; PUBLIC INVOLVEMENT, UNDERSTANDING, AND ACCEPTANCE OF MANAGEMENT ACTIONS HAS NOT BEEN ADEQUATE; THE PROCESS TO DEVELOP AND APPROVE PLANS IS VERY TIME-CONSUMING; THERE IS A MULTIPLICITY OF JURISDICTIONS; AND LONG-RANGE PLANNING IS LIMITED.

THE FIRST STEP IN IMPLEMENTING THE ACT--ESTABLISHMENT OF THE EIGHT REGIONAL FISHERY MANAGEMENT COUNCILS--WAS CARRIED OUT QUICKLY AND EFFICIENTLY. CHARTERS FOR THE COUNCILS WERE FILED IN JULY 1976 AND MEMBERS WERE APPOINTED BY AUGUST 1976. BY THE END OF 1976 THE COUNCILS WERE OPERATING. ALTHOUGH THE MAKEUP OF EACH COUNCIL IS DIFFERENT, FOR MOST COUNCILS THE MIX OF COUNCIL MEMBERS, ADVISORY PANEL MEMBERS, AND PROFESSIONAL STAFF IS ADEQUATE TO REPRESENT THE VARIOUS INTEREST GROUPS.

THE MAJOR FUNCTIONS OF THE COUNCILS ARE TO PREPARE, MONITOR, AND REVISE FISHERY MANAGEMENT PLANS. AS OF JUNE 1979, 9 FISHERY MANAGEMENT PLANS FOR BOTH DOMESTIC AND FOREIGN FISHERMEN HAD BEEN APPROVED AND IMPLEMENTED AND OTHER PLANS WERE IN VARIOUS STAGES OF PREPARATION AND REVIEW. THE NATIONAL MARINE FISHERIES SERVICE ESTIMATES THAT EVENTUALLY ABOUT 70 PLANS WILL BE DEVELOPED AND IMPLEMENTED.

PRELIMINARY FISHERY MANAGEMENT PLANS WERE ESTABLISHED BY THE DEPARTMENT OF COMMERCE TO CONTROL FOREIGN FISHING

IN U.S. WATERS. FOREIGN FISHING IN U.S. WATERS HAS DECLINED SIGNIFICANTLY. IN 1974, FOREIGN FISHERMEN HARVESTED ABOUT 3.1 MILLION METRIC TONS; THE FOREIGN CATCH FOR 1978 WAS ABOUT 1.7 MILLION METRIC TONS. ALSO FOREIGN FISHERMEN HAVE BEEN PROHIBITED FROM FISHING THE DOMESTICALLY VALUABLE SPECIES SUCH AS NEW ENGLAND COD, HADDOCK, AND YELLOWTAIL FLOUNDER; AND HAVE ONLY BEEN GRANTED PERMITS TO HARVEST LESS UTILIZED SPECIES SUCH AS ALASKAN POLLOCK WHICH U.S. FISHERMEN ARE NOT HARVESTING AT OPTIMUM LEVELS.

INADEQUATE DATA BASES CONTINUE TO IMPEDE THE PROGRESS OF FISHERIES MANAGEMENT. BIOLOGICAL, SOCIAL, AND ECONOMIC DATA ARE NEEDED AS INPUTS TO FISHERY MANAGEMENT PLANS UNDER THE ACT. BECAUSE FISHERIES MANAGEMENT HAS TRADITIONALLY BEEN BASED ON BIOLOGICAL CONSIDERATIONS, BIOLOGICAL DATA IS MORE DEVELOPED THAN SOCIAL AND ECONOMIC INFORMATION. WE FOUND, HOWEVER, THAT EVEN BIOLOGICAL DATA IS VERY LIMITED.

THE NEED EXISTS FOR BIOLOGICAL STOCK ASSESSMENT DATA INCLUDING ACCURATE KNOWLEDGE OF FISH STOCK ABUNDANCE, AREA LOCATION, AND AGE COMPOSITION; UNDERSTANDING OF STOCK MOVEMENTS AND MIGRATIONS; AND KNOWLEDGE CONCERNING THE NATURAL RELATIONSHIP AMONG SPECIES. SOCIAL DATA ON FISHERMEN AND THE COMMUNITIES IN WHICH THEY LIVE AND ECONOMIC DATA ON VARIATIONS IN FISHING EFFORTS AND PRICES AND CURRENT AND UNIFORM CATCH STATISTICS ARE NECESSARY TO ASSESS THE SOCIAL AND MONETARY IMPACT OF FISHERY MANAGEMENT PLANS ON FISHERMEN.

INVOLVEMENT IN FISHERIES MANAGEMENT BY FISHERMEN IS OFTEN LIMITED. FISHERMEN CONSIDER THE FISHERY MANAGEMENT PLANS TO BE TOO TECHNICAL AND BASED ON INADEQUATE DATA. THEY HAVE FOUND THAT COUNCIL PROCEDURES OFTEN MAKE IT DIFFICULT FOR THEM TO PARTICIPATE IN COUNCIL MEETINGS. AS A RESULT THE PLANS HAVE NOT BEEN WELL RECEIVED AND SUPPORTED BY FISHERMEN.

TO DEVELOP, APPROVE, AND IMPLEMENT THE PLANS HAS BEEN A TIME-CONSUMING PROCESS AND HAS HINDERED THE EFFECTIVENESS OF FISHERIES MANAGEMENT. FOR EXAMPLE, THE IMPLEMENTATION OF SEVERAL PLANS HAD BEEN DELAYED FOR VARIOUS REASONS INCLUDING THE PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS REQUIRED BY LAW.

AN EFFECTIVE SYSTEM OF FISHERIES MANAGEMENT HAS ALSO BEEN HAMPERED BY THE MULTIPLICITY OF JURISDICTIONS. STATES' ACCEPTANCE AND SUPPORT OF FISHERIES MANAGEMENT VARIES WIDELY. SOME STATES HAVE NO REGULATIONS COVERING THEIR TERRITORIAL WATERS, GENERALLY WITHIN THREE MILES OFF THE SHORE. OTHER STATES HAVE REGULATIONS THAT DIFFER ONLY SLIGHTLY FROM THE FEDERAL ONES. SINCE MANY SPECIES MIGRATE ACROSS STATE JURISDICTIONS OR BETWEEN STATE WATERS AND U.S. WATERS, THIS LACK OF UNIFORM REGULATION CONTINUES TO HAMPER UNIFIED FISHERIES MANAGEMENT. THIS SITUATION HAS LED TO PROBLEMS IN IMPLEMENTATION AND ENFORCEMENT. FOR EXAMPLE, SOME FISHERMEN HAVE ATTEMPTED TO AVOID FEDERAL NEW ENGLAND GROUND FISH QUOTAS BY CLAIMING TO HAVE HARVESTED THE FISH WITHIN STATE WATERS.

LONG-RANGE PLANNING IS ANOTHER AREA NEEDING ATTENTION. GENERALLY, FISHERY MANAGEMENT PLANS ONLY COVER ONE CALENDAR YEAR AND DO NOT CONTAIN SPECIFIC LONG-TERM GOALS. RATHER THAN A CALENDAR YEAR, PLANS COULD COVER MORE THAN ONE FISHING SEASON, AND SHOULD CONTAIN BOTH LONG-TERM AND SHORT-TERM GOALS. LONG-RANGE PLANNING WOULD ENABLE THE COUNCILS TO BUILD MORE FLEXIBILITY INTO THE PLANS AND AVOID THE NEED TO GO THROUGH THE LENGTHY PLAN AMENDMENT PROCESS EACH YEAR.

RECOMMENDATIONS

- WE RECOMMENDED THAT THE SECRETARY OF COMMERCE
- SUPPORT THE NATIONAL MARINE FISHERIES SERVICE'S BIOLOGICAL, SOCIAL, AND ECONOMIC DATA COLLECTION PLANS TO ASSURE THAT THE DATA NECESSARY FOR EFFECTIVE FISHERIES MANAGEMENT IS PROVIDED.
 - MONITOR THE EXTENT TO WHICH JURISDICTIONAL PROBLEMS IMPEDE FISHERY MANAGEMENT PLAN IMPLEMENTATION AND WORK WITH THE STATES TO ENFORCE FISHERY MANAGEMENT PLANS. IF COOPERATIVE EFFORTS WITH THE STATES ARE INEFFECTIVE, THE SECRETARY SHOULD USE HER PREEMPTIVE AUTHORITY OR PROPOSE ADDITIONAL LEGISLATION TO EXTEND FEDERAL FISHERIES MANAGEMENT OVER THE TERRITORIAL SEA.
 - DIRECT THE ASSISTANT ADMINISTRATOR FOR FISHERIES TO (1) ENCOURAGE COUNCILS TO PUBLICIZE AND CONDUCT MEETINGS ON FISHERY MANAGEMENT PLANS AT MORE CONVENIENT LOCATIONS AND TO CLEARLY EXPLAIN IN

EACH PLAN WHY SOME ACTIONS WERE TAKEN AND OTHERS REJECTED; (2) SPEED UP THE FISHERY MANAGEMENT PLAN DEVELOPMENT PROCESS BY PROVIDING NEEDED GUIDANCE ON PLAN REQUIREMENTS TO THE COUNCILS; PROMPTLY REVIEWING DRAFT PLANS; WORKING WITH COUNCILS TO DEVELOP IMPLEMENTING REGULATIONS CONCURRENTLY WITH FINAL PLANS; AND, WHERE FEASIBLE, USING NEGATIVE OR GENERIC ENVIRONMENTAL IMPACT STATEMENTS; AND (3) ASSIST THE COUNCILS IN DEVELOPING LONG-RANGE PLANS FOR FISHERIES MANAGEMENT WHICH INCLUDE MEASURABLE LONG-RANGE AS WELL AS SHORT-RANGE GOALS.

AGENCY COMMENTS AND ACTIONS TAKEN

AGENCY OFFICIALS CONCURRED WITH OUR CONCLUSIONS AND RECOMMENDATIONS. THE DEPARTMENT OF COMMERCE INDICATED ITS SUPPORT FOR ACTIONS BEING TAKEN BY THE NATIONAL MARINE FISHERIES SERVICE TO IMPROVE DATA BASES. DEPARTMENT OFFICIALS EXPRESSED THE HOPE THAT CLOSER COOPERATION AND COORDINATION BETWEEN THE STATES, THE REGIONAL COUNCILS AND THE FEDERAL GOVERNMENT WOULD AVERT JURISDICTIONAL PROBLEMS BUT THAT THEY WOULD CONTINUE TO MONITOR THE SITUATION. OFFICIALS OUTLINED STEPS THEY WOULD TAKE TO HELP COUNCILS IMPROVE COMMUNICATIONS WITH THEIR CONSTITUENTS AND TO IMPROVE THE FISHERY MANAGEMENT PLAN REVIEW AND DEVELOPMENT PROCESS.

RELATED WORK

I WOULD ALSO LIKE TO BRIEFLY DISCUSS SOME OF OUR OTHER WORK DIRECTLY RELATED TO THE FISHERY CONSERVATION AND MANAGEMENT ACT.

IN OUR EARLIER REPORT TO SENATOR BOB PACKWOOD ENTITLED "THE PACIFIC FISHERY MANAGEMENT COUNCIL'S ROLE IN SALMON FISHERIES" (CED-79-4; NOVEMBER 9, 1978) WE QUESTIONED THE ADEQUACY OF THE DATA THE COUNCIL USES TO SUPPORT DECISIONS IN ITS OCEAN SALMON FISHERY MANAGEMENT PLANS. WE FOUND THAT DECISIONMAKING DATA IS LIMITED, AND, ALTHOUGH AVAILABLE EVIDENCE TENDED TO SUPPORT COUNCIL DECISIONS, IMPROVED DATA BASES WERE NEEDED.

IN OUR LATEST REPORT ENTITLED "THE FISHERY CONSERVATION AND MANAGEMENT ACT'S IMPACT ON SELECTED FISHERIES" (CED-79-57; APRIL 3, 1979) WE PROVIDED THIS SUBCOMMITTEE WITH DETAILED INFORMATION ON THE ACT'S IMPACT ON THREE SELECTED FISHERIES--GULF SHRIMP, NEW ENGLAND GROUND FISH, AND ALASKAN CRAB.

AT THIS TIME WE ARE REVIEWING THE ENFORCEMENT ACTIVITIES UNDER THE ACT. INDICATIONS ARE THAT ENFORCEMENT HAS NOT BEEN VERY EFFECTIVE. REGULATIONS ARE CONFUSING, ARE OFTEN CHANGED, AND DIFFER FROM STATE REGULATIONS; SPECIFIC ENFORCEMENT GOALS NEED TO BE ESTABLISHED; AND ADEQUATE PENALTIES TO DETER FISHING VIOLATIONS MUST BE ASSESSED.

RECENTLY WE INITIATED A REVIEW FOR THIS SUBCOMMITTEE ON THE SERVICE'S FISHERY UTILIZATION AND DEVELOPMENT PROGRAM. WE ARE FOCUSING ON THE RELIABILITY OF RESOURCE ASSESSMENTS TO MEASURE AVAILABLE SUPPLIES OF NON-TRADITIONAL SPECIES; THE POTENTIAL TO SPUR DEMAND FOR THESE SPECIES THROUGH MARKET DEVELOPMENT EFFORTS; AND THE AVAILABILITY OF PRODUCTION RESOURCES, INCLUDING IMPROVED TECHNOLOGY AND CAPITAL.

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MR. CHAIRMAN, THIS CONCLUDES MY PREPARED STATEMENT.
WE SHALL BE GLAD TO RESPOND TO ANY QUESTIONS.