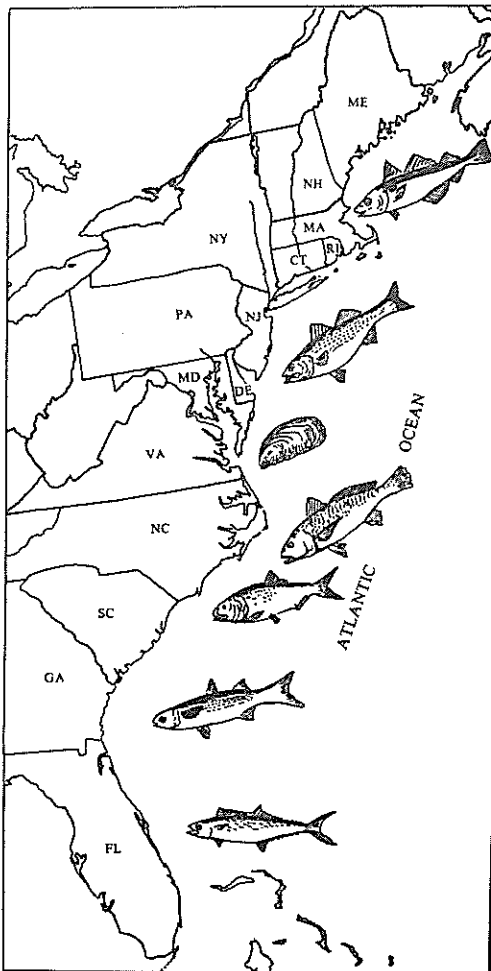


*Special Report No. 3*  
*of the*  
ATLANTIC STATES MARINE  
FISHERIES COMMISSION



PRIORITIES  
FOR  
IMPLEMENTING  
THE  
RECOMMENDATIONS  
OF  
THE  
EASTLAND  
FISHERIES  
SURVEY

Special Report Number 3

of the

**ATLANTIC STATES MARINE  
FISHERIES COMMISSION**

**Priorities for  
Implementing the Recommendations  
of the  
Eastland Fisheries Survey**

Report prepared for the  
Atlantic States Marine  
Fisheries Commission  
by

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**Atlantic States Marine  
Fisheries Commission**

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## INTRODUCTION

In May 1977, the three interstate marine fisheries commissions, Atlantic, Gulf, and Pacific, submitted to the Congress a final report on their Eastland Fisheries Survey efforts — *Eastland Fisheries Survey, A Report to the Congress*. The Report was based on the views of all sections of the commercial and recreational fisheries interests collected in various local meetings, regional meetings, and a National Conference held in Washington, D.C. These views are presented in the Report in more than 70 separate recommendations designed to develop a national program that will benefit commercial and recreational fishing and the country as a whole.

The recommendations of the Eastland Survey are being considered currently by the Congress and the U.S. Department of Commerce. The chairmen of the interstate marine fisheries commissions believed it was desirable and timely, therefore, for the commissions to make known the comments and positions they have on the recommendations, particularly on the priorities for implementing the recommendations. Chairman Theodore B. Bampton (Deputy Commissioner, Connecticut Department of Environmental Protection) of the Atlantic States Marine Fisheries Commission, called a meeting on January 4-5, 1978, at Arlington, Virginia, to obtain this information from the Atlantic States Marine Fisheries Administrators. The organization and procedures involved in this meeting are summarized in the APPENDIX of this report.

The State Administrators reviewed the major recommendations among those set forth under "National Conference Recommendations," pages 17-25; and "Additional Recommendations from the Regional Reports," pages 27-31, in the *Eastland Fisheries Survey, A Report to the Congress* and assigned a priority of first, second, or third to each of the recommendations considered.

The priorities assigned to the recommendations by the State Administrators and comments which amplify or modify the priorities given, are presented in this report. There were a few recommendations which the State Administrators opposed or believed were not appropriate at this time. These are noted following the listed priorities. In order to give emphasis to the major aspects, the recommendations set forth in this report do not include the full text and explanation presented in the *Eastland Fisheries Survey, A Report to the Congress*. However, the reference to the full recommendation in the *Eastland Survey Report* is given in parenthesis at the end of each recommendation in this report.

# PRIORITIES FOR IMPLEMENTING THE RECOMMENDATIONS OF THE EASTLAND FISHERIES SURVEY

The following symbols are used to denote the priorities assigned by the Atlantic States Marine Fisheries Administrators to the major recommendations of the Eastland Fisheries Survey:

- First Priority
- Second Priority
- Third Priority

## Management of Fishery Resources

- Recognizing that a major part of the Eastland Survey was based on recommendations from commercial fishing interests, the Administrators recommended that, where there is currently federal involvement in commercial marine fisheries activities, including activities in the Great Lakes, that these federal activities be consolidated into a single department. It is recommended further, that the Fish and Wildlife Service (U.S. Department of the Interior) retain its present jurisdiction in relation to inland sport fisheries (I.A.3.). As part of this recommendation on organization of federal fisheries activities, it is recommended that:

All federal regulatory, permitting, inspection, and enforcement functions which affect the fishing industry, including management of fish stocks, harvesting, processing, marketing, and research should be coordinated by the department containing the Fishery Agency in conjunction with state fishery agencies (I.A.5.).

The Federal Fishery Agency should have full management authority and responsibility as described in the Fishery Conservation and Management Act of 1976 (P.L. 94-265), as well as all other fishery functions and responsibilities presently delegated to the Federal Government by law or treaty (I.A.6.).

Emphasize domestic fishery activities, including commercial fisheries, part of recreational fisheries and aquaculture as food-producing activities (I.A.2). Note the change in the first sentence of I.A.2. is to make it clear that all recreational fishing is not for food. The final two sentences of I.A.2. are supported.

The funding of a federal fishery activity in which two federal agencies have jurisdiction, e.g., the Anadromous Fish Conservation Act, (P.L. 89-304) should be administered by a lead agency. This is a recommendation not specifically addressed in the *Eastland Fisheries Survey Report*.

Representatives of the states of Connecticut, Massachusetts, and North Carolina, and the Executive

Director of the Atlantic States Marine Fisheries Commission disagreed with the recommendation to maintain separate federal agencies for recreational and commercial fisheries. They favored a consolidation of all federal fisheries activities into one agency.

The State Administrators opposed the following Eastland Survey recommendations related to the organization of federal fisheries activities:

Create, by appropriate Congressional action, an Office of Fishery Policy, to assist the Congress in increasing its oversight and policy development capability (I.A.1.). The Administrators believed that there are now sufficient committees in Congress to handle fisheries matters and that an additional agency could delay and impede action.

The implementing legislation (P.L. 94-265) should differentiate clearly the functions and responsibilities of Congress and the Executive Branch (I.A.7.). It was noted that the assignment of functions proposed in this recommendation would be premature pending more extensive experience with extended jurisdiction.

- Develop effective Management programs based on the best scientific knowledge, which will provide for optimum resource utilization and which will assure that full benefits will be obtained from interstate, national and international programs for the enhancement of fishery resources and environmental protection and improvement (I.B.1.).
- Promote uniformity of regulations, when needed, and limit regulations to a minimum required for sound management (I.B.2.). It is suggested that interstate marine fisheries agencies be used as agencies to coordinate promotion of uniform regulations.

As part of the recommendations on management of fishery resources, it is recommended that:

Existing Regional Fishery Management Councils are utilized to develop management plans and regulations and to insure that these plans are implemented (I.B.3.) Note the deletion of "Create new" from I.B.3. as stated in the *Eastland Survey Report*.

Apply the U.S. calculation of optimum yield (OY), where the OY concept is used for management of fish stocks fished jointly by U.S. and foreign fleets. It was pointed out that optimum yield might involve prohibition of commercial harvest of a forage species, and that a stock so protected should not be regarded as underutilized.

Vest regulatory and management authority in Regional Fishery Management Councils, and establish a balanced Council membership between government and fishery user groups. User groups shall be encouraged to provide effective and direct input into management and planning on a parity with government input (I.B.6.). Note changes from I.B.6. as stated in the *Eastland Survey Report*.

Domestic fisheries should receive top priority in allocation of catches of underutilized species (I.B.7.).

- Develop a national responsibility and capability to provide a uniform and continuing data base for management of sport and commercial fisheries (I.D.1.). The State Administrators also supported I.D.2 and I.D.3.

Although considering it impractical to designate a single top priority among first priority recommendations, the consensus of the State Administrators was that establishment of an adequate data base was essential for development of sound and effective management programs.

- Consider the various Indian Treaties with the intent of creating, where needed, appropriate institutional arrangements to conserve and enhance the fishery resources while protecting those rights reserved by the Indians. Congress should also consider claims for recognition of resource rights by other native American groups (e.g., the Hawaiian people), as well as other wards of the U.S. Government; and should offer similar arrangements to conserve and enhance the fishery resources where applicable (I.B.4).

It was suggested that institutional arrangements should provide that conservation practices for fishery resources in which rights are reserved to Indians or to other native American groups, should be jointly developed and agreed upon by the Indian or native American group, the affected State and the Federal Government.

- Congress should amend the Marine Mammal Protection Act of 1972 (P.L. 92-522) to allow rational management of marine mammal populations (Additional Recommendation IV.).

It is agreed that the Act should be amended to make it more realistic and flexible under special circumstances, for instance, to allow management of marine mammal populations which, by their predatory actions, may cause significant damage to fish stocks; and management of certain species of marine mammals which have an intrinsic value of their own. It is suggested that the Act should be administered by a single federal agency. Further, a state, which is equipped to do so, should be allowed to manage marine mammals within that state's jurisdiction.

## Marine Recreational Fisheries, and Restoration and Protection of Fish Habitat

- The Congress should recognize, through appropriate legislation, that marine recreational fisheries are vitally important to the nation (III.A.1.).

The consensus is that the Fishery Conservation and Management Act of 1976 recognizes the importance of marine recreational fisheries and should serve as a clear charge from Congress to the Executive Branch. However, it is suggested that Congress emphasize the importance of marine recreational fisheries by inclusion of appropriate statements in the preamble or policy sections of new or amended fishery legislation.

- The Migratory Marine Game Fish Study Act of 1959 (P.L. 86-359) should be amended to eliminate the ceiling on appropriation of funds for research on marine game fish (III.A.2.).

It is further recommended that the Secretary of Commerce, in the administration of this Act, place greater emphasis on the provisions which authorize cooperative work with states and other institutions and agencies.

- Establish an adequate data base for management of marine recreational species (III.D.1.).

It is strongly recommended that the Federal Agency, in implementing this recommendation, make every effort to use and expand existing programs and arrangements, such as the State-Federal Fisheries Management Program, the Migratory Marine Game Fish Study Act, Anadromous Fish Conservation Act, etc.

- Endorse recommendations I.C.1. and I.C.2. and III.E. of the *Eastland Fisheries Survey Report* in relation to restoration, maintenance, enhancement and assessment of fish habitat (I.C.1., I.C.2., and III.E.)

To facilitate management of recreational and commercial fisheries, it is recommended that the National Shellfish Sanitation Program be transferred from the U.S. Food and Drug Administration (Department of Health, Education, and Welfare) to the National Marine Fisheries Service (Department of Commerce).

- The commercial passenger fishing fleet should be defined as commercial fishing vessels in order that they may receive federal loan subsidies, loan guarantees, tax benefits, fuel allocations, and other benefits which are received by the balance of the U.S. flag commercial fishing fleet (II.K.).

It is suggested that the term "recreational fishing" be used to describe fishing other than commercial fishing. At present, the terms "recreational fishing," "sport fishing," and "game fishing" are used interchangeably. This point was not addressed in the *Eastland Fisheries Survey Report*.

In relation to recommendation III.D.3. of the *Eastland Fisheries Survey Report*, the Administrators strongly endorsed the need to improve public access to fisheries. They disagree with this recommendation as stated because they did not believe that lack of capital funds or of navigational and communications networks were major factors in limiting development of public access. They propose that the recommendation be rewritten to suggest means to overcome present limitations on public access resulting from unrealistic local zoning restrictions, and to alleviate local citizens' opposition to development of public facilities in their area.

## Assistance to Fishery Industry

- Congress should extend the application of the Capital Construction Fund, as embodied in the Merchant Marine Act of 1963, as amended, to include onshore facilities directly related to harvesting, processing, and marketing of fish products by citizens of the United States (II.B.3.).

It is noted that onshore facilities for processing and handling are inadequate and will not provide sufficient facilities to meet anticipated harvesting capacity under extended jurisdiction.

- Development of commercial fisheries in overseas territories and possessions of the United States should be supported and encouraged by exempting those areas from the Jones Act requirement that fishing hulls over five net tons must be of U.S. construction (II.B.6.).

The Administrators expressed concern as to how this exemption would be limited. It is suggested that if public policy requires some equalization for underdeveloped territories, then such equalization could be in the form of direct aid that would reimburse them for the added cost of transporting U.S.-built vessels to such territories.

- Endorse the convening of a technical committee to review the present insurance situation in the fishery industry, including provisions of the Jones Act and the Longshoremen's and Harborworkers' Act (P.L. 92-576), and make its findings and present recommendations (II.E.).

The securing of adequate insurance at reasonable rates is one of the most pressing problems in the fishery industry.

- Reduce tariffs on imported nets and webbing by passing legislation similar to S. 3270 (Packwood bill) or H.R. 10079 (Studds bill) (II.D.1.).
- Improve education and training programs for fishermen (II.G.).

The consensus is that the present level of training is adequate, and no major expansion is warranted at this time.

- Improve information and extension services to the fishery industry as set forth in recommendations II.E.1-12 of the *Eastland Fisheries Survey Report* (II.E.1-12.).

Communication of resource and industry information on a timely basis is a highly valuable and most desirable service. Greater attention must be given to increased selectivity when determining what information deserves highest priority.

A high priority should be given to the following specific recommendations:

Education and extension programs presently provided by the National Marine Fisheries Service, Sea Grant Marine Advisory Services, Department of Agriculture Cooperative State Research Service; and other organizations should be encouraged and coordinated by the federal agency responsible to the fishing industry.

Provide educational and technical services to assist fishermen with management of personal finances, recordkeeping, tax preparation, loan applications, and establishment of cooperatives. Also, provide information concerning permits, licenses and grants.

Provide a manual describing credit sources.

Provide a guide to federal assistance in port and harbor development.



- A federal program for disaster loans, for natural and man-made disasters, should be instituted, similar to those presently provided for the agricultural sector (Additional Recommendation XV.).

It is suggested that a blue ribbon panel be convened to study all present laws and programs dealing with disaster assistance and report its findings and recommendations. There should be direct aid to fishermen, as well as aid to replace or restore the resource. Advance funding, as provided by P.L. 88-309 is desirable to quickly begin restoring the resource or for aiding fishermen.

- Establish, through joint industry and government action, national standards for size, grade, portion, and nomenclature of domestic and imported fish products and good practices for harvesting, handling and processing fish and fish products, with specified quality control and mandatory inspection. Implement an expanded market development program encompassing promotion and advertising of domestic fish products, as well as consumer education, with joint industry and government participation, and, if possible, funded jointly with a matching money scheme (II.A.1., II.A.2., and II.A.3.).

Marketing is the step that completes the harvesting, processing, marketing cycle. Consumer confidence in the quality of fishery products is essential if the entire industry is to flourish and benefit from the Fishery Conservation and Management Act. The authority for assignment of standards belongs in the fishery agency. Agriculture inspection is publicly funded (federal, for interstate commerce; state, for intrastate commerce), and similar funding should be accorded the fishing industry.

- Adopt simplified and realistic provisions pertaining to seafood processing industry (II.F.2., II.J.1., II.J.2., and II.J.3.).

Complying with the regulations of the Occupational Safety and Health Administration (OSHA) and Environmental Protection Agency (EPA) is a significant problem to the many small segments of the fishery industry. Government mechanisms and institutional arrangements are already in place to deal with these situations. The need is to persuade decisionmakers to give attention to unique problems, where they exist, in the fish processing industry.

The Administrators opposed recommendation II.F.1. of the *Eastland Survey Report*, that safety regulations be implemented by the Coast Guard and not the Occupational Safety and Health Administration. They saw no compelling reason why OSHA responsibilities should be transferred to another agency. They believe that OSHA should work with the industry to develop reasonable regulations.

## **Development of New Fisheries and Further Development of Fisheries for Underutilized Species**

- Formulate specific regional industry and government (jointly developed) programs to develop domestic and export markets for fish species and products not fully utilized (II.A.6.). It is noted that recommendations II.A.1-5 of the *Eastland Fisheries Survey Report*, which pertain to marketing, are basic to fishery development programs and are supported as a part of this recommendation. As previously noted, recommendations II.A.1-3 are given a first priority in the "Assistance to Fishery Industry" section of this report.

A question was raised as to why priority should be given to use of public funds to develop underutilized species. The response was that it is in the public interest to do so, thereby reducing U.S. dependence on imported products. The industry, at present, is too small and fragmented to undertake development of underutilized species without such assistance.

- Underutilized fishery development should be encouraged through legislation establishing grants or long-term, low-cost loans for fishery development pilot programs (II.B.5.).

It is recognized that the availability of capital is not the factor limiting development of fisheries in some situations. Unsound development efforts should be discouraged. However, it is believed that in specific cases, loans are necessary.

- Designate a federal agency with primary responsibility for coordination of all aquaculture programs of the Federal Government, including research, development and regulation (II.I.1.).

Since there are currently a number of federal agencies involved in research and development related to aquaculture, it is important that there be a lead agency to coordinate efforts. It is suggested that the federal agency having jurisdiction over fisheries development should be the lead agency for aquaculture. There is uncertainty as to federal policy in relation to the provisions of the Food and Agriculture Act of 1977 (P.L. 95-113), which appear to place at least certain aspects of aquacultural research and extension under the auspices of the U.S. Department of Agriculture.

- Establish national objectives for aquaculture (II.I.6.).

Note the change in wording from recommendation II.I.6. of the *Eastland Fisheries Survey Report*. In view of the federal involvement in aquaculture, national objectives are necessary.

- Provide long-term, low-interest loans with amortization flexibility for aquaculture (II.I.6.).

Loans should be available after research and pilot development have demonstrated that there is a reasonable chance for success. The rate of failure has been high in aquaculture projects undertaken without adequate research and development.

# APPENDIX

**Meeting of Atlantic States Marine Fisheries Administrators  
on  
Priorities for Implementing the Recommendations  
of the  
Eastland Fisheries Survey  
January 4-5, 1978, Alexandria, Virginia**

The major recommendations of the Eastland Fisheries Survey were listed under four categories. These listings (Attachments A, B, C, and D) were furnished to the fisheries administrators of the 15 Atlantic Coast States prior to the meeting.

The Administrators were divided into four groups (Attachment E) to consider the recommendations in the four categories. An administrator was selected to serve as the leader of each group. Each group was asked to review the recommendations in its category and any related recommendations from the Eastland Survey, and to develop suggested priorities for implementing the recommendations. The afternoon of January 4, was devoted to the groups' reviews of the recommendations.

On the morning of January 5, the leader of each group reported the suggested priority established by his group for the consideration of the entire body of Atlantic Coast States Marine Fisheries Administrators. The priorities set forth in this report are those established by the entire body of Administrators.

The State of Georgia was not represented by its Administrator, David H.G. Gould, who was unavoidably absent. Russell A. Short, from the Virginia Marine Resources Commission, sat in with the group on "Management of Fishery Resources." Herbert Austin, of the Virginia Institute of Marine Science, participated in group reviews on January 4. John Everett, Office of Fisheries Development, National Marine Fisheries Service, audited the January 5th session of the meeting.

Elizabeth Harrington, Administrative Assistant of the Atlantic States Marine Fisheries Commission, served as Recording Secretary for the meeting. W. Mason Lawrence, Consultant on Natural Resources Management, with direction from Irwin M. Alperin, Executive Director, Atlantic States Marine Fisheries Commission, planned and coordinated the meeting.

ATTACHMENT A

Atlantic States Marine Fisheries Commission  
State Administrators Meeting  
January 4-5, 1978

**I. Management of Fishery Resources**

Leader — Ralph W. Abele, Pennsylvania

- A. Consolidate federal fisheries activities into a single Department. Should this include the fisheries part of the U.S. Fish and Wildlife Service? (I.A.3, I.A.5-7.).
- B. Emphasize domestic fishery activities as food producing activities (I.A.2. and I.A.4.).
- C. Create by Congressional action, an Office of Fishery Policy to assist the Congress in its oversight and policy development capability (I.A.1.).
- D. Develop effective management programs (I.B.1, I.B.3., and I.B.5-7.).
- E. Promote uniformity of regulation, as well as limiting regulations to the minimum required for sound management (I.B.2.).
- F. Establish adequate data base for fishery programs (I.D.).
- G. Management of fishery resources subject to Indian Treaty fishing rights (I.B.4.).
- H. Amend the Marine Mammal Protection Act of 1972 (Additional Recommendation IV. Page 27).

ATTACHMENT B

Atlantic States Marine Fisheries Commission  
State Administrators Meeting  
January 4-5, 1978

**II. Marine Recreational Fisheries, and Restoration and Protection of Fish Habitat**

Leader — Allen E. Peterson, Massachusetts

- A. Recognition of importance of marine recreational fisheries to the nation (III.A.1.).
- B. Amend the Migratory Marine Fish Study Act to remove ceiling on appropriation (III.A.2.).
- C. Establish adequate data base for management of marine recreational species (III.D.1.).
- D. Improve public access to recreational fisheries (III.D.3.).
- E. Specific further actions needed to restore and protect fish habitat (I.C. and III.E.).
- F. Specific further actions needed to abate and control pollution (Additional Recommendation X. Page 29).

## ATTACHMENT C

Atlantic States Marine Fisheries Commission  
State Administrators Meeting  
January 4-5, 1978

### III. Assistance to Fishery Industry

Leader — James E. Douglas, Jr., Virginia

- A. Amend Merchant Marine Act of 1936, to extend Capital Construction Fund to onshore fisheries facilities (II.B.3).
- B. Exempt overseas territories and possessions from Jones Act requirement that fishing vessel hulls over five net tons must be of U.S. construction (II.B.6).
- C. Possible amendment of insurance provisions of Jones Act and Longshoremen's and Harborworkers' Act (II.E.).
- D. Reduce tariffs on imported nets and webbing as proposed in Packwood bill, S. 3270 (II.D.1).
- E. Place fishery safety jurisdiction under the Coast Guard (II.F.1).
- F. Improve education and training programs (II.G.).
- G. Improve information and extension services (I.E.1-12).
- H. Provide manual describing credit sources (II.B.4).
- I. Institute a federal program for disaster loans similar to those provided for agriculture (Additional Recommendation XV. Page 29).
- J. Establish national standards for fish products (II.A.1).
- K. Provide a guide to federal assistance in port and harbor development (II.C.1).
- L. Adopt simplified and realistic provisions pertaining to seafood processing industry (II.F., II.J.1., II.J.2., and II.J.3.).

ATTACHMENT D

Atlantic States Marine Fisheries Commission  
State Administrators Meeting  
January 4-5, 1978

**IV. Development of New Fisheries and Further Development of Fisheries for Underutilized Species**

Leader — Edwin B. Joseph, South Carolina

- A. Formulate programs to develop domestic and export markets for fish species and products currently not fully utilized (II.A.6.).
- B. Provide grants or low-cost loans for fishery development programs (II.B.5.).
- C. Establish good practices for harvesting, handling, and processing fish and fish products (II.A.2.).
- D. Designate federal agency responsible for coordinating aquaculture programs of the Federal Government relating to research and development (II.I.1.).
- E. Establish national objectives for aquaculture (II.I.5.).
- F. Provide long-term, low-interest loans for aquaculture (II.I.3.).

ATTACHMENT E

**Group Assignment of State Administrators to Suggest Priorities  
for Implementing the Recommendations of the  
Eastland Fisheries Survey**

**I. Management of Fishery Resources**

Ralph W. Abele, Pennsylvania, Leader  
John M. Cronan, Rhode Island  
John C. Poole, proxy for Anthony S. Taormina, New York

**II. Marine Recreational Fisheries, and Restoration and Protection of Fish  
Habitat**

Allen E. Peterson, Massachusetts, Leader  
Theodore B. Bampton, Connecticut  
Edward G. McCoy, North Carolina  
Edward W. Spurr, New Hampshire

**III. Assistance to Fishery Industry**

James E. Douglas, Jr., Virginia, Leader  
Russell A. Cookingham, New Jersey  
Charles Futch, proxy for Harmon W. Shields, Florida  
Irwin M. Alperin, Atlantic States Marine Fisheries Commission

**IV. Development of New Fisheries and Further Development of Fisheries for  
Underutilized Species**

Edwin B. Joseph, South Carolina, Leader  
Robert H. Forste, proxy for Robert J. Rubelmann, Maryland  
Vinal O. Look, Maine  
William G. Wagner II, Delaware



