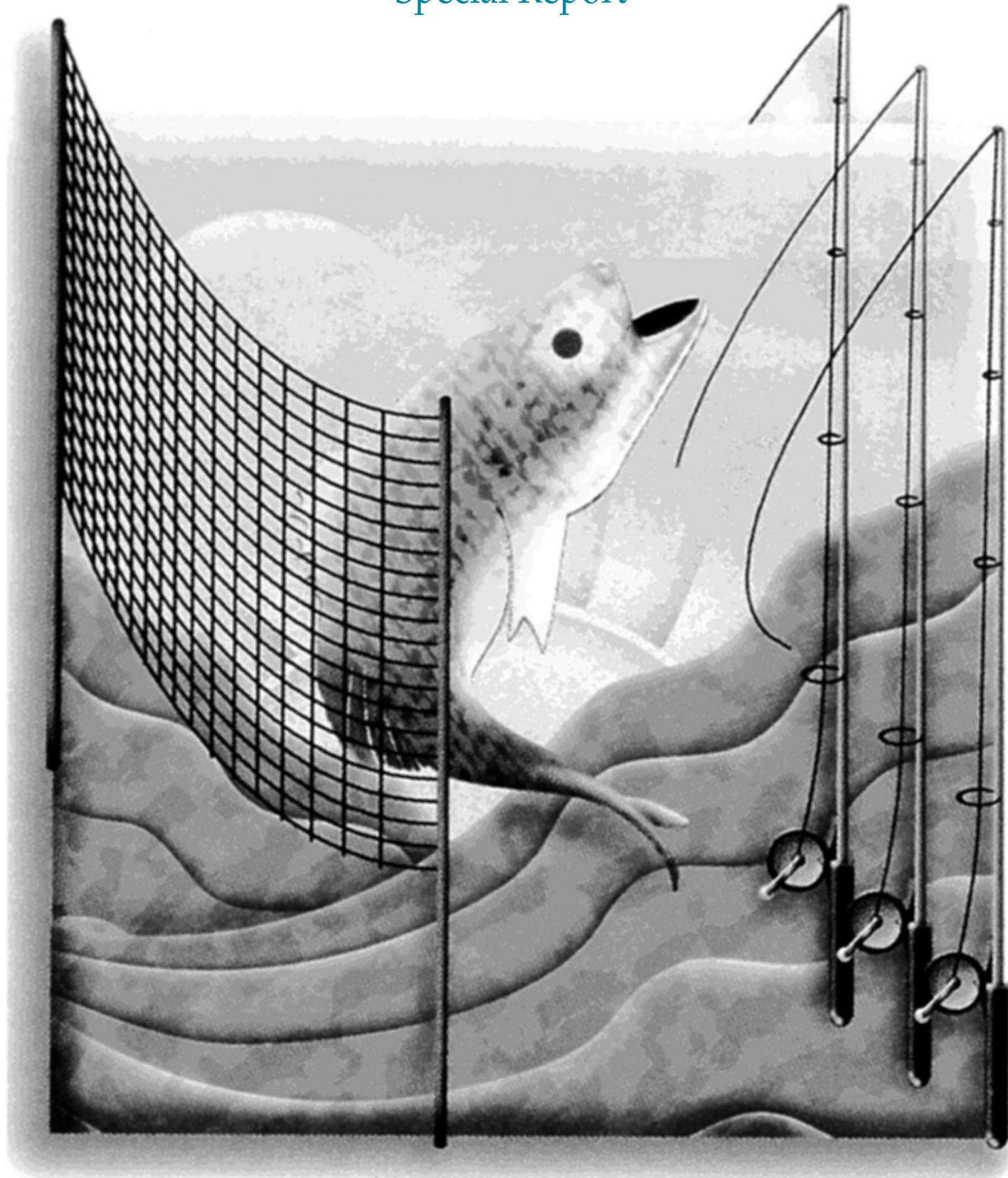


CELEBRATING our FISH *e* RIES

National Fisheries Summit
Special Report



February
12-14, 1997
National Summit

We're
all in this
boat together

The following people participated in the National Fisheries Summit:

- Gov. Jim Hunt
 Joan Weld, director of Intergovernmental Relations in the Governor's Office
 Bob Lucas, chairman of the Moratorium Steering Committee (MSC)
 Melvin Shepard, Coastal Resources Commission and MSC member
 Jim Murray, NC Sea Grant Program and MSC member
 Damon Tatum, Atlantic States Marine Fisheries Commission and MSC member
 Chuck Manooch, National Marine Fisheries Commission and MSC member
 Susan Boa, Sea Web
 Allen Lebovitz, Willapa Alliance
 Dianne Wilson, Texas shrimper
 Naki Stevens, Restore America's Estuaries
 Mike Nusman, American Sportsfishing Association
 Larry Simms, Maryland Waterman's Association
 Richard Nielson, Jr., Florida golden crabber
 Suzanne Iudicello, Center for Marine Conservation
 Elenore Bockenek, New Jersey Sea Grant Program
 Robin Alden, Maine Department of Marine Resources
 Jerry Sansom, Organized Fishermen of Florida
 Jeff Radonski, National Oceanographic and Atmospheric Administration
 Henry Garbade, SC Department of Natural Resources
 Jim Kendall, New England Coast Guard Law Enforcement Working Group
 Jack Travelstead, Virginia Marine Resources Commission
 Bonnie McCay, Rutgers College anthropologist
 Pete Jensen, Maryland Fisheries Service
 State Sen. Charlie Albertson, co-chair of the Joint Legislative Commission on Seafood and Aquaculture
 State Sen. Jean Preston, co-chair of the Joint Legislative Commission on

CELEBRATING our FISHERIES

Gov. Jim Hunt in August 1997 signed into law sweeping reforms in the way the state manages its marine fish. The law was the result of almost two years of work by the Moratorium Steering Committee, which had been appointed by a legislative committee in 1994 and charged with finding ways to preserve our marine fish and the habitat on which they depend. The committee's recommendations touched off months of debate in the NC General Assembly and in public meetings across the state. The NC Coastal Federation sponsored one of those meetings, the National Fisheries Summit, in February 1997 in Raleigh. Its purpose was to compare North Carolina's situation to other coastal states and to learn how those states have dealt with their fisheries. Hunt, representatives from 11 states and the District of Columbia, members of the Moratorium Steering Committee, state legislators and fishers participated. Funds for the summit were provided by the Fisheries Resource Grant Program. Now that the dust has settled from the long battle over fisheries management, we thought that on the anniversary of our summit it would be helpful to review the more important issues discussed at the summit, review the major recommendations made by the Moratorium Steering Committee, and describe the Fisheries Reform Act passed by the General Assembly, particularly as they relate to habitat and water quality protection. Dave Adams, a former university professor, fisheries manager, and state regulator, moderated the meeting. Here, he summarizes some of the more important and relevant issues discussed at the Fisheries Summit.

BY DAVE ADAMS

In our country, government must respond to problems perceived by its citizens, regardless of whether those problems have a factual basis or not. But the average citizen, according to a survey presented at the summit, bases such perception on a limited understanding of most marine fisheries issues and has a low regard for fishermen and those who are charged with protecting marine resources.

Several speakers noted that, in such an environment, debate gets so heated that confidence is lost. No one believes anyone. How, then, can we educate? How can we communicate? Yet, the one clear solution to the problem of perception, said many speakers at the summit, lies in effective communication and education. Unless rap-

port is developed among those who use marine resources, the public will receive attempts at education and communication with doubt and cynicism.

Management by Crisis or by Plan

There was almost universal agreement that, in the past, our fisheries were managed by crisis — by reacting to problems rather than anticipating them. No one thought that was the way to go about it. The present and future trend in fisheries management is management by plan. The only way that we can persist — or is that exist? — is to get ahead of the crises. The only way to do that is to have some sort of plan, a plan that can be efficiently and effectively implemented.

Moratorium Steering Committee member Jule Wheatly, said that the management plans were the committee's most important recommendation. Scientists at the summit noted the success planning has had in tackling problems in the Chesapeake Bay.

Moratoria and Limited Entry

Thirty years ago technicians talked informally about limiting the number of people who could fish for a particular species — called limited entry — as a way to improve the condition of that species. That's now an accepted management concept, but its success depends on how it is implemented. It's much easier to effect limited entry in a fishery that could still stand increasing fishing pressure

rather than in one in which too many people are already fishing. Most of the successful examples that were cited at the summit — the golden crab and striped bass after the moratorium and recovery — tended to be unfilled fisheries.

It's difficult to limit entry into a filled or overfilled fishery because someone is going to get kicked out. Jerry Sansom of the Organized Fishermen of Florida described what seems to be a good working model for North Carolina to follow. A moratorium, he said, was established in the St. John's River during which a considerable amount of natural attrition took place. When it came time to reopen the fishery, the number of entrants had dropped below the filled or overfilled condition.

Working Approaches

Fishery meetings almost always degenerate into an "us versus them" encounter. That didn't happen at the National Fisheries Summit. We did not hear any divisive language. Instead, what we heard was a universal plea to replace confrontation with more cooperation. Speakers pointed out the need for commitment and persistence and the importance of individual action. One person can make a difference when that one person is dedicated and willing to be a leader.

Both commercial and recreational fishing interests urged people to persist. If you lose the first time, do your homework and come back again.



Photo by Dr. ROBERT CRAMER



They all said to base your case on facts and support-able positions and get past the rhetoric. "Don't draw that line in the sand," said Larry Simms of the Maryland Waterman's Association. Others said to always give your adversary a little bit of wiggle room. "We must find common causes to work together," Suzanne Iudicello of the Center for Marine Conservation noted. "If you can find a common cause with your adversary, he is no longer an adversary; he is now an ally."

Jerry Sansom of the Organized Fishermen of Florida warned against a bureaucracy that is more interested in process than in problem solving. People, he said, have to be goal or problem oriented. Mike Nussman of the American Sports Fishing Association offered the following characteristics as making up a good fishery manager: the ability to make hard decisions; the willingness to stick by those decisions; conservative with allowable harvests, caps, quotas, and other limitations; and striving constantly to improve the science and practice of resource management.

Sound resource management, other speakers noted, contains these elements: defined priorities; a definition of limiting factors; a fair licensing system; effective management plans; effective enforcement of laws and regulations; cooperation between scientists and users; evaluation of the effects of the actions taken; effective partnerships among those using the resources; time; and a great deal of patience.

The Geopolitical Aspects of Management

There's a principle in natural resource management that one cannot manage a resource unless one has jurisdiction over the range of the limiting factors affecting that resource. Intrastate plans alone cannot really be effective because most resources migrate



Photo by Dr. ROBERT CRAMER

The Moratorium Steering Committee made more than 80 recommendations to revamp the state's program for managing marine fish. Here are the highlights:

- Require the Division of Marine Fisheries to adopt by July 1, 1999, plans to protect habitat critical to the survival of marine species. The plans should have as their goals no net functional loss of each critical habitat.
- Start a comprehensive state program to buy, preserve, and restore habitat critical to marine and estuarine species.
- Start a coast-wide citizen water quality monitoring program.
- Develop management plans for each significant fish species. Each plan would include information on the species' life history, habitat, population and the social and economic importance of its fishery. The plans also must set long-term management goals and objectives and establish procedures to ensure that accurate information is collected on the amount of fish being caught. Methods used to catch the fish must be assessed as to their effects on marine habitats.
- Revamp the license system to include three types of saltwater licenses. The "Standard Commercial Fishing License" would be issued to those who use commercial gear and sell their catch. The "Commercial Gear Recreational License" would allow recreational fishermen to use specific types and quantities of commercial gear, but would not allow them to sell their catch.
- The "Coastal Recreational Fishing License" would be issued to recreational fishermen using non-commercial gear. Those holding that license also would not be allowed to sell their catch.
- Extend the moratorium on commercial issuances while Fishery Management Plans are being prepared and implemented.
- Impose a temporary cap on the number of Standard Commercial Fishing Licenses issued equal to the number of Endorsements-to-Sell on January 1, 1996 (including provisions to issue extra licenses available under cap). The cap would expire one year after the implementation of Fishery Management Plans or on July 1, 2002.
- Cut the Marine Fisheries Commission from 17 members to 9 and reduce possible conflicts of interest by requiring members to declare financial interests and potential bias.
- Start a "Violation Points System," similar to the one used by the NC Division of Motor Vehicles, under which those who consistently break fisheries laws could have their licenses suspended or revoked. The most serious violators



Photo by Dr. ROBERT CRAMER

across state lines. Limiting factors affecting a traveling resource can be affected anywhere within its range. Interstate cooperation is essential.

The Business of Enacting Rules

States use a number of different methods to enact rules. In Maryland, rules are enacted by the executive department. In Virginia, citizens' boards are empowered to make the rules. The legislatures of some states are actively involved in setting rules, though this approach was highly criticized by participants.

In North Carolina, we have used citizens' commissions since at least the early 1900's.

These commissions gained popularity during the 1940's, largely in the management of fish and game. Their intention is to remove politics from resource management, protect license receipts, provide a more efficient means for considering technical and scientific information in making complicated resource decisions, and provide a more timely mechanism for enacting the rules.

Citizens' commissions now are used in North Carolina to manage most natural resources. Although they differ in details, most of the commissions are quasi-legislative bodies that enact rules under statutes passed by the legislature. The commissions also settle disputes between citizens and state agencies and act both as buffers and as conduits of information between state officials and citizens.

During the last decade, the effectiveness of these bodies has been badly eroded. The General Assembly rescinded their ability to hear directly disputed cases that were brought to them. The Administrative Procedures Act of 1995 destroyed commissions' ability to act in a timely manner. Now all rules must be approved by the legislature after a long and cumbersome review process. It has also become common practice to fill commissions with political appointees — making it extremely difficult to remove "poli-



Fisheries Reform Act of 1997

Here are three of the more important state committee and agencies that help develop North Carolina's marine-fisheries policies:

- Joint Legislative Commission on Seafood and Aquaculture is a committee of state representatives and senators who are appointed to study and create laws on marine resources before they go before the full General Assembly.
- Marine Fisheries Commission is a citizen's commission appointed by the governor to make rules and regulations from the laws that specifically affect marine fisheries.
- Department of Environment and Natural Resources is the agency that oversees the laws, rules and regulations that manage the state's natural resources. Among the many divisions of the Department is the Division of Marine Fisheries that specifically carries out the rules and regulations developed by the Marine Fisheries

LICENSING SYSTEM

Effective July 1, 1999

The existing moratorium on commercial fishing licenses continues until the effective date and only fishermen holding an endorsement-to-sell will be eligible to purchase a new commercial fishing license. Vessel Endorsement-to-Sell are now under the license moratorium. All existing licenses can be renewed until the new system becomes effective.

Standard Commercial Fishing License

- For commercial fishermen who harvest fish, crabs, shrimp and shellfish.
- Cost \$200 for residents, \$800 for non-residents.

■ Only fishermen with valid Endorsement-to-Sell on July 1, 1999 will be eligible.

■ Vessel Endorsement Fee required for those who use boats to harvest seafood based on boat length.

■ Transferable to any member of immediate family or someone who buys his boat after he retires. Surviving family can transfer the license of a deceased fisherman to someone who buys the boat. The Marine Fisheries Commission will be able to establish other transfer categories.

■ Can be assigned to an eligible person by notifying the Division of Marine Fisheries.

■ Cap will be placed on the number of the Standard Commercial Fishing License equal to the number of Endorsement-to-Sell licenses on July 1, 1999. An additional 500 of these licenses will be distributed to people meeting established criteria including past involvement in commercial fishing, degree of reliance on commercial fishing and other factors.



Retired Standard Commercial Fishing License

- For commercial fishermen age 65 and older.
- \$100 for residents, \$800 for nonresidents.
- Only fishermen who hold a valid Endorsement-to-Sell on July 1, 1999 are eligible.
- Not assignable.
- Vessel Endorsement Fee required for those who use boats to harvest seafood based on boat length.
- Falls under same cap as Standard Commercial Fishing License.

Recreational Commercial Fishing License Gear

- For recreational fishermen who use commercial gear to catch seafood for personal consumption.
- \$35 residents, \$250 nonresidents.
- These license holders will not be able to sell their catch.
- Cannot be assigned or transferred.
- Will not be under a cap.
- Marine Fisheries Commission must establish gear limits for this license by July 1, 1999.
- Subject to recreational size and bag limits.

Shellfish License

- For harvesting shellfish only.
- \$25 — for residents only.
- Vessel Endorsement Fee required for those who use boats based on boat length.
- Cannot be transferred.
- Will not be under a cap.

Dealers License

- \$50 application fee; \$50 each for oysters, clams, scallops, crabs, shrimp, finfish and dehydrating operation; \$300 for a consolidated license.
- For residents only.
- Required to buy only from licensed commercial fishermen.

Tournament Sales License

- \$100.
- For nonprofit fishing tournaments if all proceeds from the sale of fish are donated to charity.

MARINE FISHERIES COMMISSION

Effective September 1, 1997

- Reduced from 17 members to nine.
- Governor makes all appointments, which must include: two commercial fishermen, one dealer/processor/distributor, two coastal recreational fishermen, one sportfishing industry business person, two at-large members, and one scientist.
- At least five commission members must be from three defined coastal districts (at least one from each), including all commercial fishing members, one sport fisherman, and one-at-large member.
- Members will serve three-year staggered terms.
- Commission will appoint four standing advisory committees on finfish, crustacean, shellfish, and habitat.
- Commission will appoint four regional advisory committees, one for each of the three coastal areas and one for inland areas.

FISHERY MANAGEMENT PLANS

Effective July 1, 1998

- The Division of Marine Fisheries (DMF) will begin to develop management plans for all of the state's commercially and recreationally significant marine fisheries species. These plans will form the basis for future regulations.
- The Marine Fisheries Commission (MFC) Chairman will appoint an Advisory Council to assist with preparation of each plan.
- The MFC will establish the priorities, a schedule and guidelines for all management plans.
- The MFC must approve all plans and review them every three years.
- The plans will include conservation measures to achieve optimum yields and prevent overfishing.

Habitat Protection Plans

Effective July 1, 1998

- The Marine Fisheries Commission, the Environmental Management Commission, and the Coastal Resources Commission will jointly develop and approve Coastal Habitat Protection Plans for wetlands, spawning areas, threatened/endangered species habitat, primary and secondary nursery areas, shellfish beds, submerged aquatic vegetation, and outstanding resource waters. The plans must be completed by July 2003, and must be reviewed every five years.
- All regulatory actions by the three commissions must be consistent with the approved Coastal Habitat Protection

Law Enforcement

Effective September 1, 1997

- People who violate fisheries laws will face stricter criminal and civil penalties.
- The law establishes civil penalties up to \$10,000 for buying or selling fish illegally.
- The Marine Fisheries Commission must develop a violation point system and submit the plan to the Joint Legislative Study Commission on Seafood and

Studies

Aquaculture by July 1, 1999.

Studies to be conducted by the Joint Legislative Commission on Seafood and Aquaculture and then reported to the General Assembly in 1998:

- Feasibility of a Coastal Recreational Fishing License.
- Feasibility of a Commercial Fishing Crew License.
- Enhancement and management of shellfish.
- Feasibility of licensing for students harvesting shellfish.
- Establishment of a program to acquire, preserve and protect coastal fisheries habitat.
- Procedures and rules used by the Moratorium License Appeals Panel.
- Review a performance audit of the Division of Marine Fisheries planning to

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