

# COMMERCIAL FISHERIES REVIEW

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## INTERSTATE FISHERY COOPERATION AND CONSERVATION

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### INTRODUCTION

With the signing of the Gulf States Marine Fisheries Compact on July 16, 1949, at Mobile, Alabama, and the formal organization of the Interstate Commission established by that Compact, it seems appropriate at this time to review the genesis of the interstate compact idea as an aid to fishery conservation.

The Gulf States Marine Fisheries Commission is the third such organization that has come into being during the last ten years. The first was the Atlantic States Marine Fisheries Compact approved in 1942, and the second, the Pacific States Marine Fisheries Compact approved in 1947. If the device of interstate cooperation in the consideration of fishery conservation problems of mutual interest had been a failure in the instance of the Atlantic States Marine Fisheries Commission, the other two would not have been established with the approval of the legislators of the various States and with the consent of the United States Congress.

### FISHERY REGULATIONS AND CONSERVATION BACKGROUND

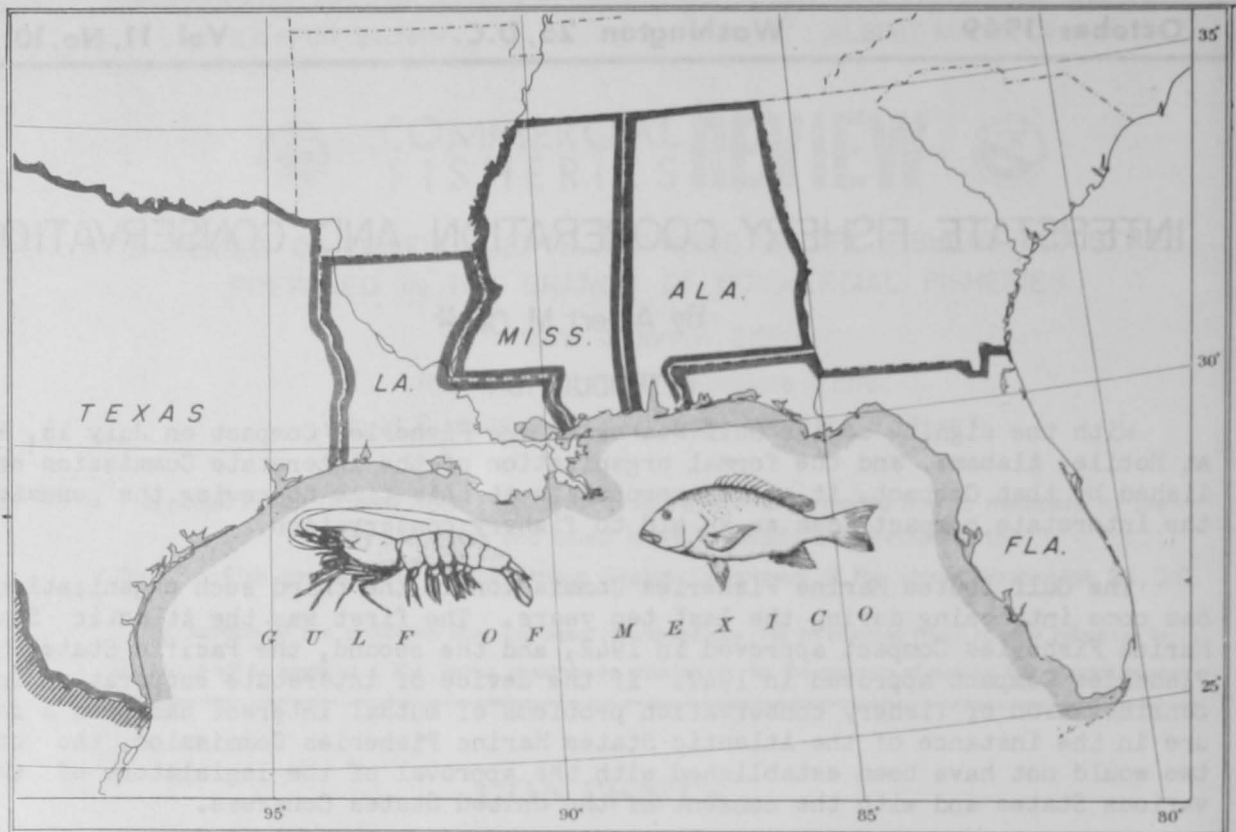
The history of fishery regulation in the United States has shown that the uncoordinated piecemeal approach by individual States has largely been a dismal failure. The lack of respect for county, State, or National boundaries shown by the individual species that make up the fishery resource is the main reason for that failure. The shrimp resources of the Gulf of Mexico are common to all of the Gulf States; so is the menhaden resource. These same resources in the Gulf are contiguous to the resources in the South Atlantic Ocean. Shad and striped bass range along a big stretch of the Atlantic Coast--so with other species. Some States have attempted to regulate the fisheries in one manner, some in another, some not at all.

The late William H. Loutit, for many years Chairman of the Michigan Conservation Commission, once said in criticism of the manner in which fishery conservation regulations were handled by most States, "The fish have at last found that politics is a damn poor diet." His implication was that conservation regulations enacted by State legislators with little or no factual knowledge of the fisheries themselves, but on the basis of the representation of political pressure groups, were largely unsatisfactory. Such regulations were merely a "stab in the dark" often designed to meet some crisis in a particular fishery that had occurred some time previously.

The need for research as a foundation for fishery conservation was recognized by the Congress of the United States in 1871 when it established the position of Commissioner of Fisheries and gave him the responsibility of determining "whether any and what diminution in the number of food fishes of the coasts and lakes of the United States has taken place; and if so, to what causes the same is due, and also

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NOTE: This article was adapted from an address ("Problems of Fishery Conservation") delivered by the author at the signing of the Gulf States Marine Fisheries Compact on July 16, 1949, at Mobile, Alabama. For further details on the signing and organization of this Interstate Commission, see p. 27 of this issue.

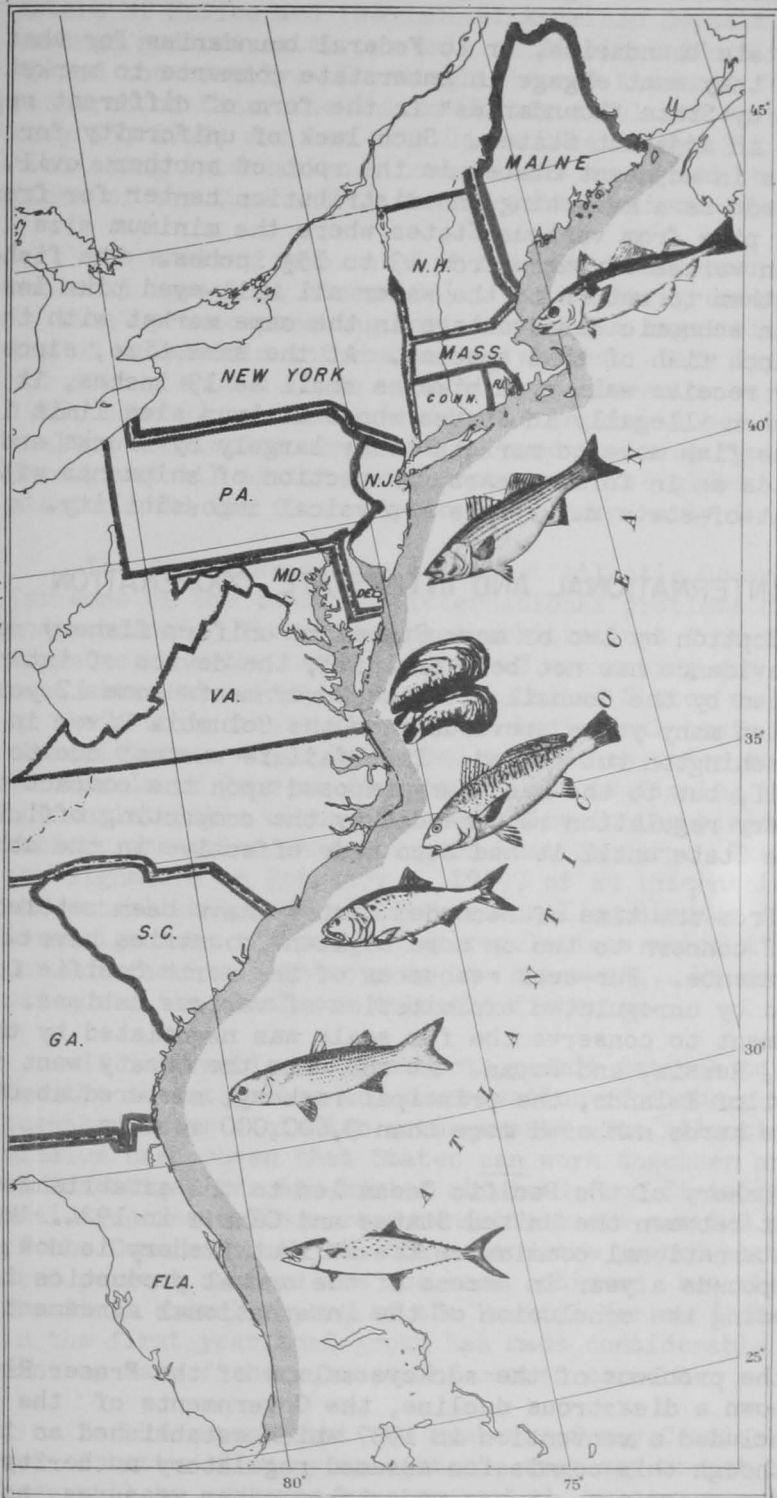


THE GULF STATES MARINE FISHERIES COMMISSION AREA. THE GULF STATES ARE THE SOURCE OF THE LARGEST SHRIMP FISHERY IN THE WORLD. OTHER IMPORTANT FISHERIES INCLUDE THE FOLLOWING SPECIES OF FISH AND SHELLFISH: MULLET (TAKEN LARGELY ON THE WEST COAST OF FLORIDA), MENHADEN, RED SNAPPER, OYSTERS, AND CRABS. BECAUSE FLORIDA HAS TWO COASTS, IT BELONGS BOTH TO THE ATLANTIC STATES MARINE FISHERIES COMMISSION AND THE GULF STATES MARINE FISHERIES COMMISSION. ALTHOUGH MISSISSIPPI HAS NOT YET PASSED AN ENABLING ACT, IT IS FORESEEN THAT IT WILL DO SO AS SOON AS THE LEGISLATURE OF THAT STATE CONVENES NEXT YEAR.

whether any and what.....measures should be adopted in the premises....." It was many years before the Federal Government geared itself into the real job intended by Congress. A whole new science had to be developed to meet the need; personnel had to be trained. Even after the new science had been developed to a degree that it knew what it was doing and some competent men were available to engage in that science, funds to support adequate researches were lacking.

One by one many of the States saw that they needed scientific research staffs, and they came into being. This research alone did not solve the problem of fishery conservation in the States. Federal research agencies and the state investigators often have supplied the "when" and "how" of fishery regulation within the limitations of their perennially inadequate funds. The slow machinery of obtaining legislation and the modifying influence on that legislation of pressure groups and personal expediency frequently resulted in the enactment of a "too little" and "too late" makeshift that was of little use in meeting the conservation problem.

Fortunately for fishery conservation today, many of the state legislators in their wisdom have cast aside the device of fishery regulation exclusively by legislative enactment. These legislators have vested regulatory authority in the fishery



administrative officials or commissions of their States. These men or bodies can apply regulations in accordance with the evidence and exactly when they become necessary. If experience shows that a particular regulation can be relaxed or needs to be strengthened, no time need be lost. Discretionary control vested in the States' officials is but one step in attaining the goal of good fishery management.

### UNIFORM FISHERY REGULATIONS

The desirability of uniform regulations for the same species of fish in the States that share the same resource in a particular ocean, lake, or river system has been advocated and recognized in many parts of the United States. One of the great fisheries where such uniform regulations have been needed for the last 50 years or more is located in the Great Lakes. Federal and State fishery research agencies frequently have pooled their talents and made recommendations for such uniform regulations. On some lakes uniformity has been partially achieved, but not in a very satisfactory manner. The State whose regulations were the most liberal—which permitted the capture of the smallest fish, use of the smallest size nets, and gave the fish the poorest chance for survival and growth to maturity—became the standard

ATLANTIC STATES MARINE FISHERIES COMMISSION AREA. THE MOST IMPORTANT FISHERIES ON THE ATLANTIC COAST INCLUDE THE FOLLOWING SPECIES OF FISH AND SHELLFISH: HADDOCK, ROSEFISH, COD, POLLOCK, WHITING, FLOUNDERS, MENHADEN, SHAD, ALEWIVES, STRIPED BASS, CROAKER, BUTTERFISH, SCUP, SPANISH MACKEREL, SHRIMP, CLAMS, BLUE CRAB, LOBSTER, AND OYSTERS.

to which all of the regulations of the neighboring States tended to conform.

Fish do not conform to State boundaries, or to Federal boundaries for that matter. Fishermen insofar as they must engage in interstate commerce to market their product are handicapped by State "boundaries" in the form of different regulations for the same species in adjacent States. Such lack of uniformity for the same species in the waters in adjacent States is the root of another evil. Let me cite one example: Toledo as a marketing and distribution center for fresh-water fish receives wall-eyed pike from various States where the minimum size limit prescribed by regulation varies anywhere from 13 to 15½ inches. The fishermen whose State laws force them to return to the water all wall-eyed pike less than 15½ inches long are at an economic disadvantage in the same market with the fishermen who may retain 13 inch fish of that species. At the same time, since the Toledo market can legally receive wall-eyed pike as small as 13 inches, it becomes an outlet for fish taken illegally in States whose minimum size limit is greater than 13 inches. Since fish move to markets today largely by trucks and airplanes, instead of railroads as in former years, inspection of shipments within each State destined for out-of-state markets is a physical impossibility.

#### PARALLEL BETWEEN INTERNATIONAL AND INTERSTATE COOPERATION

Because the voluntary adoption by two or more States of uniform fishery regulations based on scientific evidence has not been fruitful, the device of interstate cooperation was suggested by the Council of State Governments some 12 years ago. The device had been tried many years previously on the Columbia River in a compact between Oregon and Washington but failed. That failure was not due to the interstate compact idea itself, but to the machinery imposed upon the compact organization. No uniform fishery regulation recommended by the compacting officials could become effective in one State until it had been made effective in the other.

International disputes from the time of recorded history have been settled and international problems of concern to two or more adjacent countries have been solved by international agreements. Fur-seal resources of the north Pacific Ocean were almost totally destroyed by unregulated exploitation of various nations. In 1911, an international agreement to conserve the fur seals was negotiated by the United States, Great Britain, Russia, and Japan. At the time the treaty went into force, the herds on the Pribilof Islands, the principal rockery, numbered about 130,000 animals. By 1947 the herds numbered more than 3,600,000 animals.

The declining halibut fishery of the Pacific Ocean led to the establishment of an international agreement between the United States and Canada in 1924. Under regulations imposed by an international commission the halibut fishery is now producing more than 10,000,000 pounds a year in excess of the annual production in the years immediately preceding the conclusion of the international agreement.

In order to deal with the problems of the sockeye salmon of the Fraser River System, which fishery has shown a disastrous decline, the Governments of the United States and Canada concluded a convention in 1937 which established an international commission. Although this commission assumed regulatory authority for the first time about three years ago, it has undertaken other measures to improve the abundance of the resource. The fishery is in a much healthier state now than at any time since 1913, and improvements may be forecast for future years.

The tuna fisheries of the Pacific Coast are one of the most important branches of the industry. American boats range over waters from off the coast of the Pacific northwest to the Galapagos Islands, or a straight-line distance of over 5,000 miles

Tuna fishermen depend for supplies of bait taken largely within the territorial waters of Mexico and the Central American Republics. There have been signs through reduced catch per unit of fishing effort that the tuna resources may be fished too heavily. In recognition of the need for cooperative international research on tuna, the United States concluded an agreement with Mexico on January 25, 1949, and one with Costa Rica on May 31, 1949, for the purpose of establishing international commissions empowered to conduct scientific investigations of the tuna and to make recommendations on conservation to Governments.

The whaling resources of the world have been under study pursuant to international agreement since 1931. The basic agreement has been changed from time to time by incorporating certain minimum regulations and providing for the gathering of scientific information on whales. This type of international action was not strong enough to do effective conservation work. As a result, on December 2, 1946, some 22 nations concluded an international agreement which established a whaling commission empowered to conduct investigations and to regulate whaling throughout all of the marine waters of the globe. This new international commission held its first meeting in London early in June this year.

The fisheries of the northwest Atlantic Ocean have provided the battleground for some of the thorniest international problems dating back prior to American independence. There have been arbitrations from time to time to settle various disputes, but the basic problem of conserving and managing the resources has never been attacked. Fishermen of the United States and Canada have opposed regulation by their Governments alone on an individual basis because United States or Canadian fishermen would be forced to operate under regulations that did not apply to vessels of four or five other nations fishing in the same waters. Because of the unmistakable signs of the decline in the yield of certain fisheries, ten nations assembled at Washington last January. Their deliberations resulted in the signature on February 8, 1949, of an international agreement providing for the establishment of an international commission which is empowered to conduct investigations and to develop regulations which will be implemented by the various Governments signatory to the agreement. We now have a strong mechanism to safeguard the northwest Atlantic fisheries.

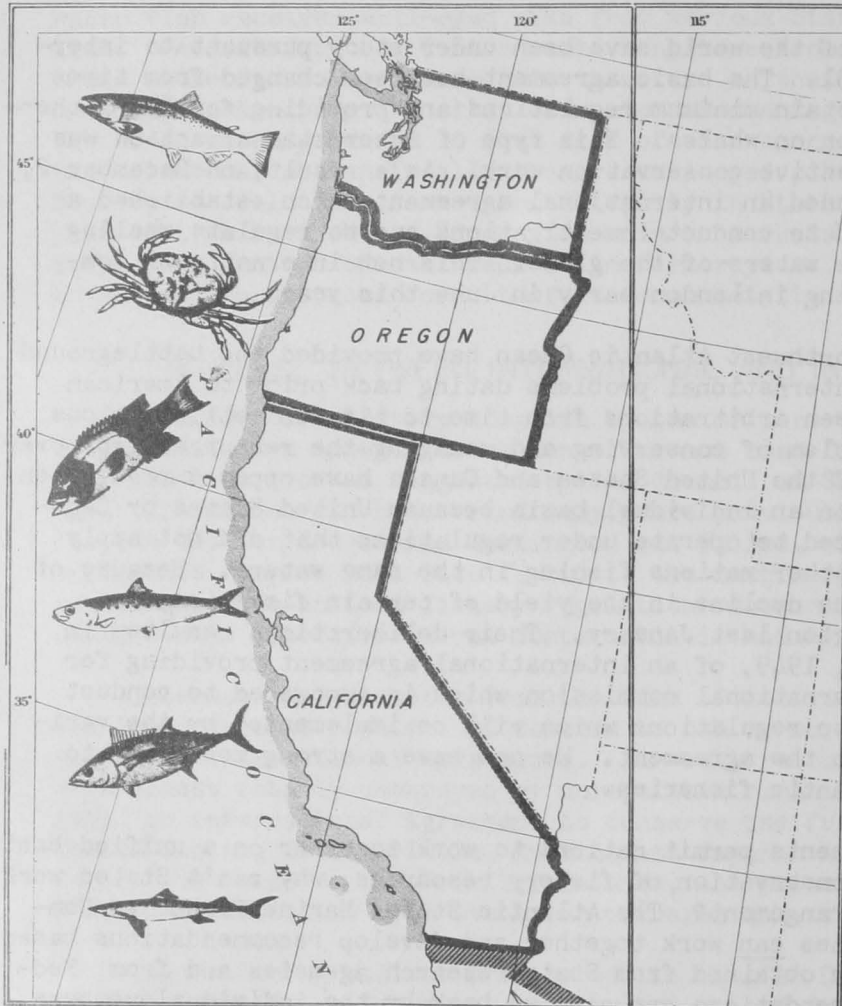
If international agreements permit nations to work together on a unified basis for the investigation and conservation of fishery resources, why can't States work together under a similar arrangement? The Atlantic States Marine Fisheries Commission has proven that States can work together and develop recommendations based on investigations and advice obtained from State research agencies and from Federal agencies. These recommendations are carried back by the individual members of the Commission to the States and are pushed through into regulation. One hundred percent success has not been achieved, but there has been significant progress. The first annual report of the Pacific Marine Fisheries Commission indicates that in the first year that group has made considerable progress and has reached agreement on many fishery issues of common concern.

To the extent that the members of any Commission work as a unit in the interest of better fishery management, they may expect to achieve success. That success will be achieved by cooperation, by occasional concessions in the interest of unanimity.

#### THE GULF STATES MARINE FISHERIES COMMISSION

The Fish and Wildlife Service is ready at all times to assist the Gulf States Marine Fisheries Commission, or any other Commission, with advice and suggestions

based on its research and experience. Research activities in the fisheries of the Gulf of Mexico on the part of the Federal Government have never been large nor have they encompassed all of the fishery problems. The fate of recommendations resulting from research that has been carried on has been discouraging at times.



PACIFIC MARINE FISHERIES COMMISSION AREA. THE PACIFIC STATES' MOST IMPORTANT FISHERIES INCLUDE THE FOLLOWING SPECIES OF FISH AND SHELLFISH: SALMON, HALIBUT, SARDINE, TUNA, SHARKS (INCLUDING GRAYFISH), FLOUNDERS, ROCKFISHES, LINGCOD, MACKEREL, CRABS, OYSTERS, AND SQUID.

than by proceeding independently and unilaterally.

It is hoped that this Commission will consider as its first task the formulation of an adequate fishery research program to meet the needs of the fisheries of the Gulf

The creation of this new interstate organization dedicated to the investigation, conservation, and development of the fisheries of the Gulf of Mexico is encouraging and another link in the chain of interstate fisheries cooperation. Significant of the growing recognition of the importance of the problems surrounding the Gulf fisheries is the fact that this year the Fish and Wildlife Service acquired two research vessels for use in the Gulf of Mexico when the President signed a bill transferring them from another Federal agency. The program for those vessels and the funds to operate them should result, at least in part, from the planning, recommendations, and initiative of the Gulf States Marine Fisheries Commission. Good fishery research programs are expensive. Appropriations, whether by the United States Congress or State legislatures, are difficult to obtain. By pooling funds, facilities, personnel, and other resources under cooperative arrangements bigger and more adequate research programs can be conducted

of Mexico in which all States share. In such activities, representatives of the Fish and Wildlife Service will be made available to advise the Commission, and in carrying out the research program the Service will attempt to undertake whatever portion it can. The representatives of each State might similarly insure that their States contribute funds, facilities, and personnel toward a research program that is badly needed.

### REGULATORY AUTHORITY FOR INTERSTATE FISHERIES COMMISSIONS

As the work of these interstate commissions proves fruitful, vesting them with additional authority, possibly some degree of regulatory functioning, eventually might be desirable. Some of our international commissions were originally investigative and advisory but later acquired regulatory authority when they had established the need for such authority and had proved their competence. The Atlantic States Marine Fisheries Commission, after several years of investigative and advisory action, is now seeking to acquire, in a limited way, some regulatory authority toward amendment of the original interstate compact.



### Canned Crab Industry of Japan

Japan was the first country to can crab meat successfully. Because of the need for exportable goods, this industry was developed to the greatest possible extent, and Japanese canned crab meat has been in world-wide demand since 1924. The United States and England have been the leading consumers of this product. From 1924-41, 3,288,997 cases, or 55 percent of the total canned crab export, were shipped to the United States, and 1,648,812 cases, or 27.6 percent, were exported to England.

From 1927-39, the Japanese canned crab industry attained an average annual production of 445,102 standard cases of 48 one-pound cans, with the maximum production of 613,089 cases in 1930.

Although this amount is not large compared with other Japanese canned products, the foreign exchange resulting from the export of practically the entire production of canned crab meat has made the industry one of considerable importance to Japanese economy.

All of Japan's crab canning factory ships were sunk during World War II, and all crabbing areas except those immediately adjacent to Hokkaido were lost at the cessation of hostilities. This once extensive industry is now confined to seven land-based canneries on the northern and eastern coasts of Hokkaido.