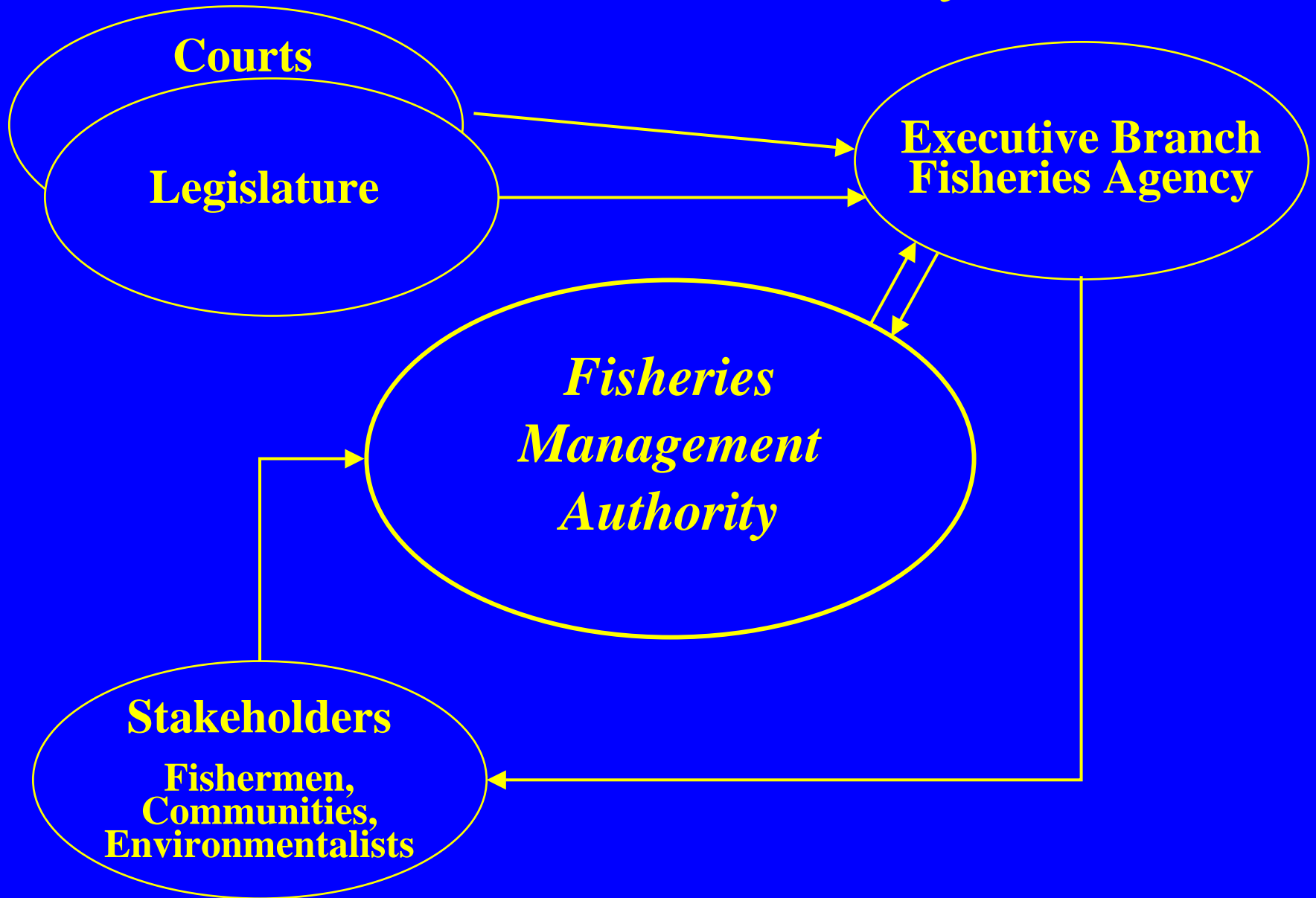


Obstacles to Effective Fisheries Management

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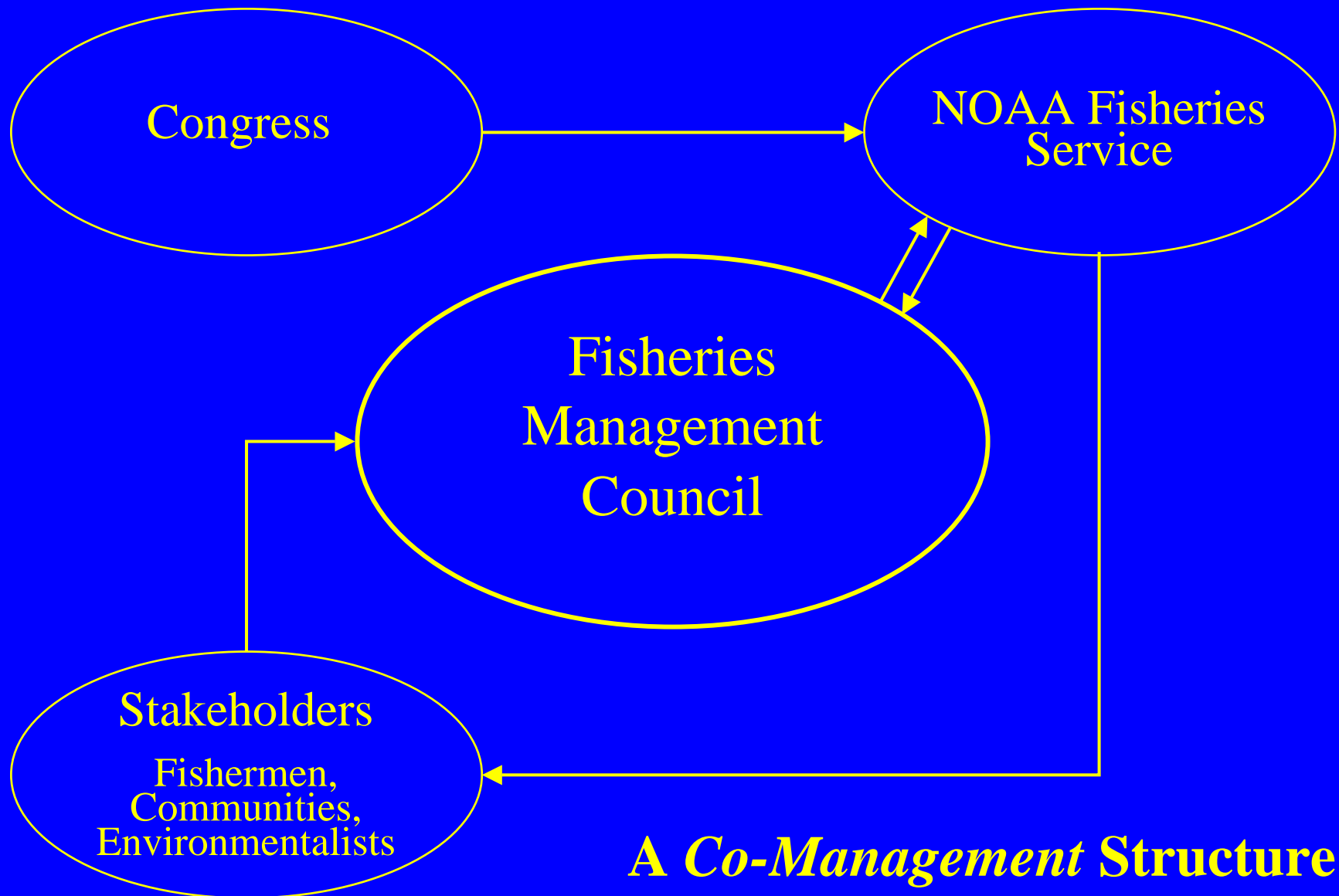
Fisheries Governance System



U.S. Federal Fisheries Governance Bodies

- Fishery management councils & commissions
- Stakeholders
 - Commercial & recreational fishing interests,
 - Environmental interests
 - Coastal communities
- Executive agencies
 - NOAA Fisheries, Coast Guard, & other federal agencies
 - State fisheries agencies
- Legislative
 - Congress
 - State legislatures
- Courts

U.S. Federal Fisheries Governance System



Performance: Bright Spots

- An increasing number of fish stocks
 - Are not subject to *Overfishing* (82% at end of 2004)
 - Are not *Overfished* (72%)
 - Are now scientifically assessed (236 out of 688 stocks)
- Conservative TACs in North Pacific
- Innovative management arrangements
 - CDQs, Conservation Cooperatives
- Beginning to recover management costs
 - Cost recovery program in Halibut & Sablefish IFQ fishery
- Human capital, strong & improving
 - World-class scientists
 - Dedicated managers & fishers
- Spirit of cooperation (e.g., research)

Performance: Concerns

- Four areas of concern
 - Conservation performance
 - Fishing capacity
 - Expenditures on fishery management
 - Patterns of decision-making

Conservation Concerns

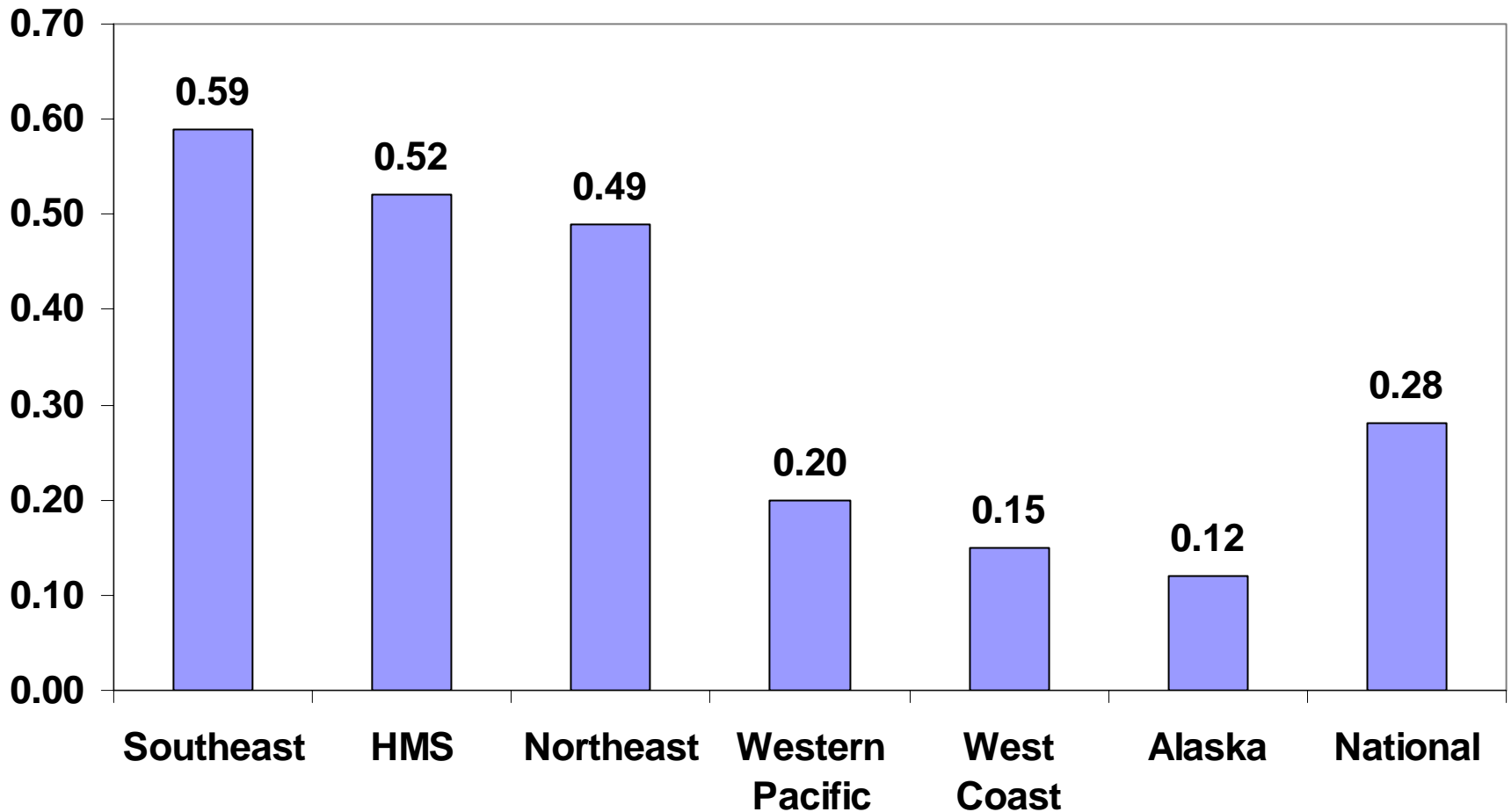
- The status of too few stocks is unknown
 - 34% are assessed for overfishing status
 - 29% are assessed for overfished status
- Performance
 - Overall is minimally satisfactory
 - Are not subject to *Overfishing* (82%)
 - Are not *Overfished* (72%)
 - Mixed across management councils
 - From excellent to very poor

Conservation Performance by RFMC (2004)

RFMC	No Overfishing	Not Overfished	Grade
NPFMC	100%	89%	A
PFMC	96%	88%	A-
WPFMC	89%	88%	B+
MAFMC	71%	83%	C+
GMFMC	76%	68%	C-
SAFMC	73%	67%	D+
NEFMC	67%	58%	D-
CFMC	80%	0%	Inc

Conservation Performance: Discards

Ratio of Discards to Landings, 2002-03



Over Capacity of Fishing Fleets 2001

- **Overall** **40 of 61 (66%)**
 - NEFMC 4 of the 5 fisheries assessed
 - MAFMC 2 of 4
 - SAFMC 2 of 7
 - GMFMC 5 of 9
 - CFMC 1 of 2
 - PFMC 4 of 5
 - WPFMC 5 of 12
 - NPFMC 5 of 5
 - HMS 12 of 14

Over Capacity of Fishing Fleets 2001

<u>Fishery</u>	<u>% fleet over capacity</u>
New England Groundfish	63%
Gulf of Mexico Shrimp	41
Swordfish	51
Atlantic LC Sharks	89
West Coast Groundfish	75
Total	58

Over Capacity of Fishing Fleets 2001

<u>Fishery</u>	<u>Est'd buyback costs</u>
New England Groundfish	\$ 450 million
Gulf of Mexico Shrimp	\$ 322
Swordfish	\$ 25
Atlantic LC Sharks	\$ 33
West Coast Groundfish	\$ 146
Total	\$ 976

Government Expenditures

- Expenditures on fisheries management
 - Research, enforcement, & administration
 - \$661 million in 1997
 - (OECD, 2000)
 - Increased in recent years
 - 23% of commercial landed value
 - In federally managed fisheries
 - Highest among large fishing nations in OECD

Patterns of decision-making

- Ignoring scientists' advice
 - stock assessments & TACs
- 'Soft' management regulations
- Litigation
- Political interference
 - 'end runs'

Ocean Commissions

- Pew Oceans Commission
 - *America's Living Oceans: Charting a Course for Sea Change* (2003)
- US Commission on Ocean Policy
 - *An Ocean Blueprint for the 21st Century* (2004)

Selected Recommendations by Ocean Commissions

- Broaden Council membership
 - currently dominated by fishing interests
- Separate the conservation & allocation decisions
- Set Allowable Biological Catch ‘scientifically’
- Authorize the use of ‘Dedicated Access Privileges’

'End Runs'

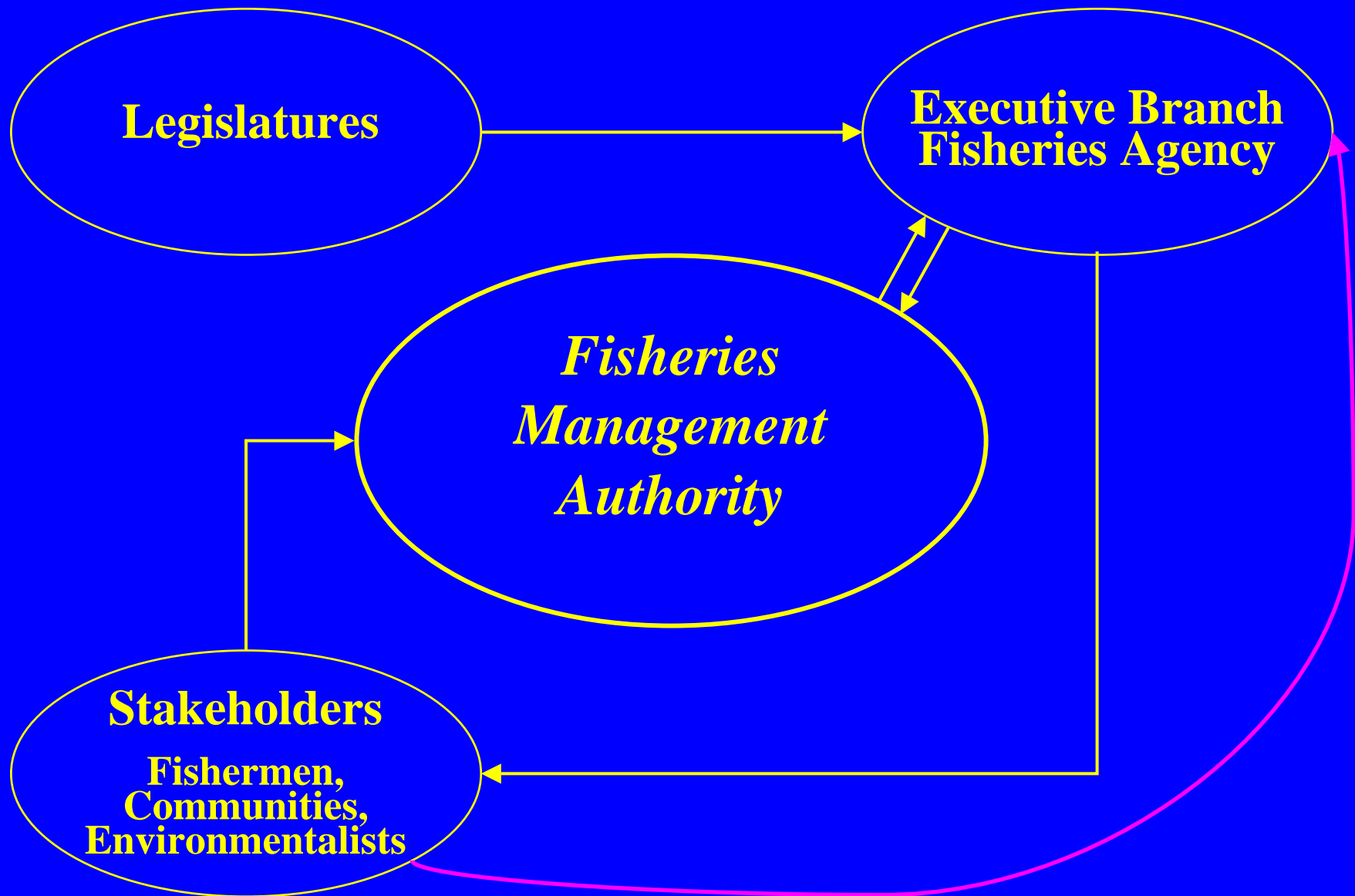
An Ignored Issue

- Dissatisfied participants garner the political strength to overrule the duly constituted decision-making process
 - Sissenwine & Mace (2003)
- National Research Council (1997)
 - this phenomenon, which it referred to as an “end run,” was a cause of the collapse of the New England groundfish fisheries

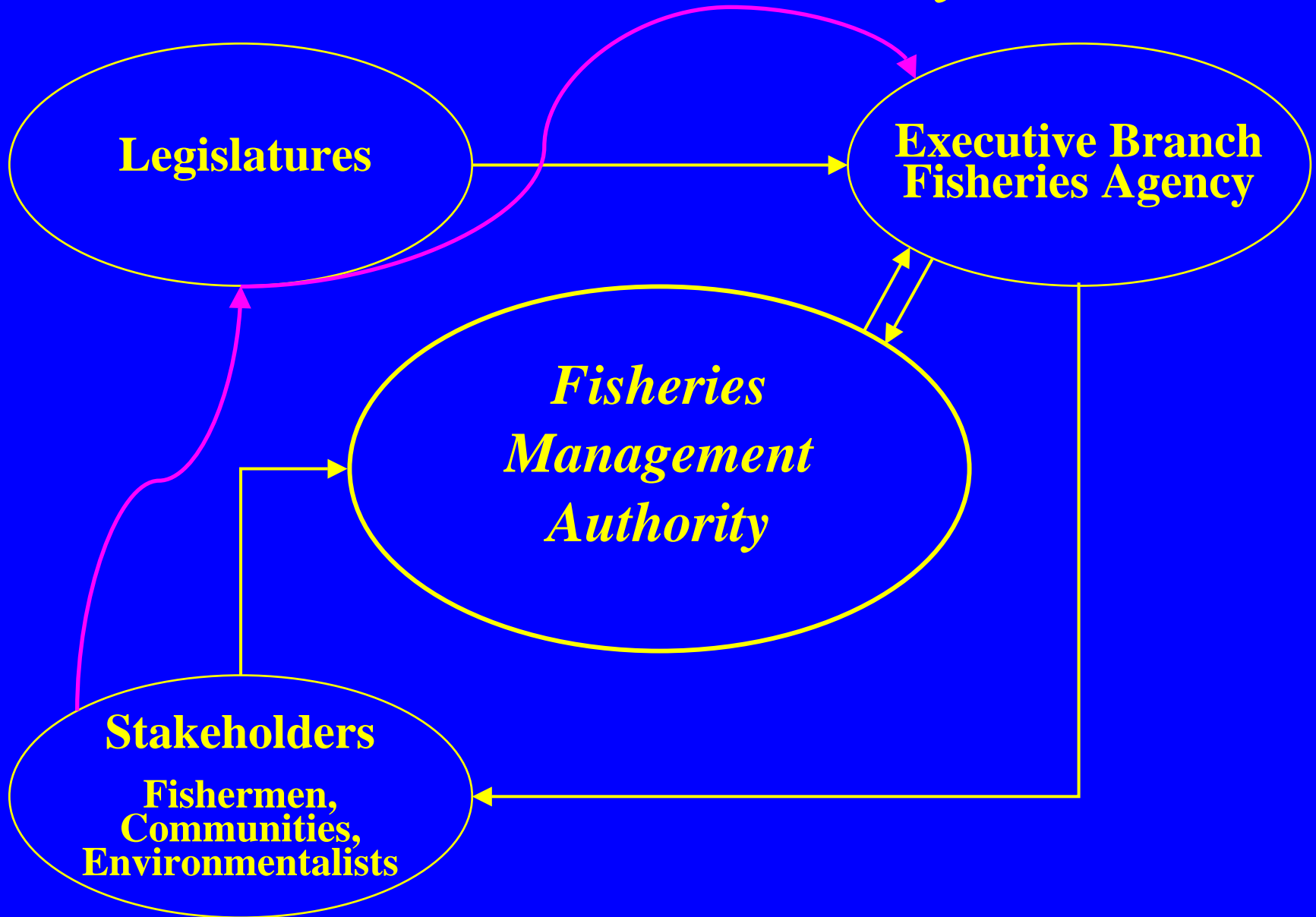
'End Runs'

- A persistent pattern of 'end runs' in management decision-making
 - Congressional intervention
 - Pressure on Councils & NOAA Fisheries
 - Protect & advance constituents' interests
 - Weakens the Council system
 - Litigation
 - Grown 10-fold since mid-1990s
 - Costly, inefficient
- Reflect a flawed governance system
- Often threaten conservation efforts

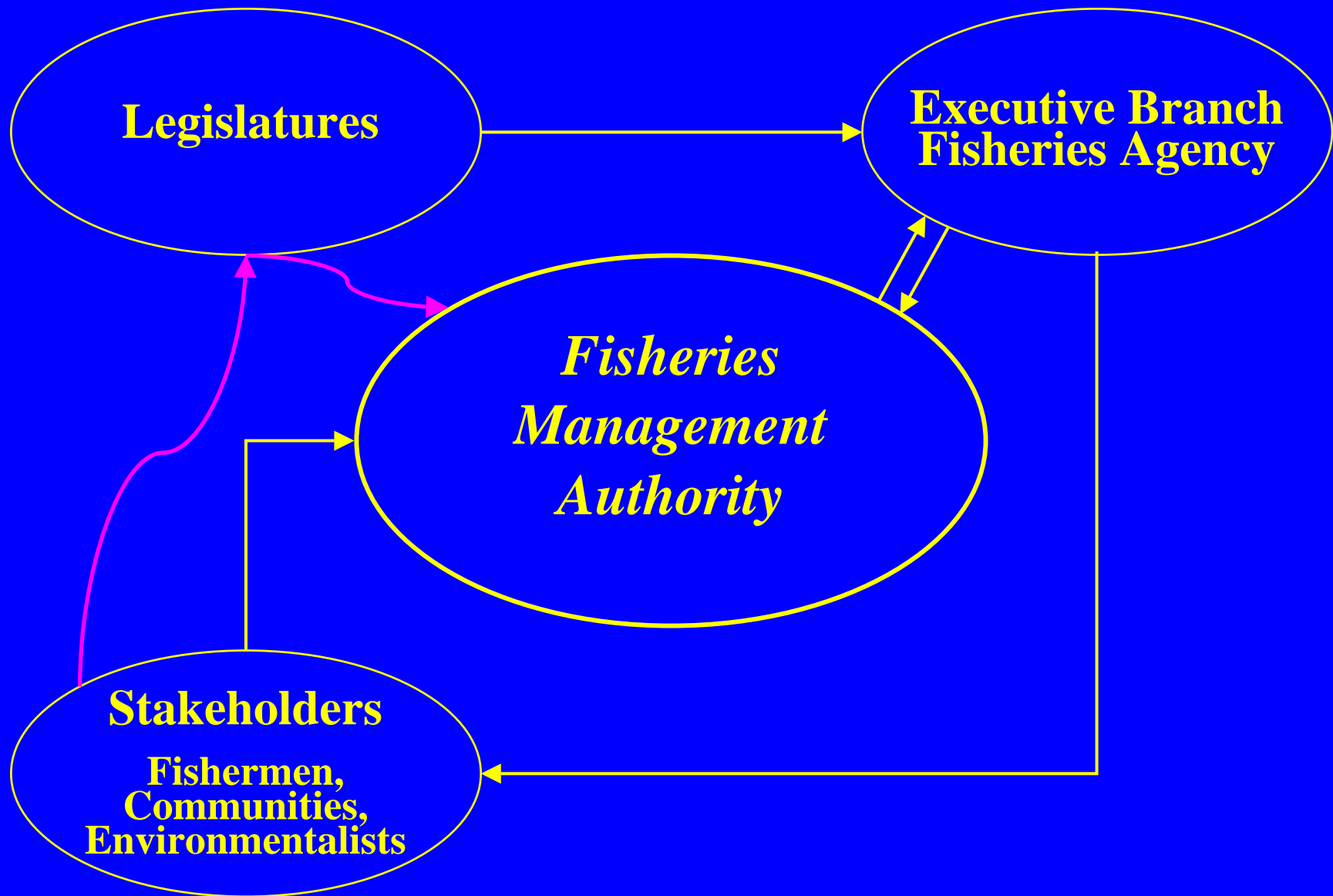
Fisheries Governance System



Fisheries Governance System



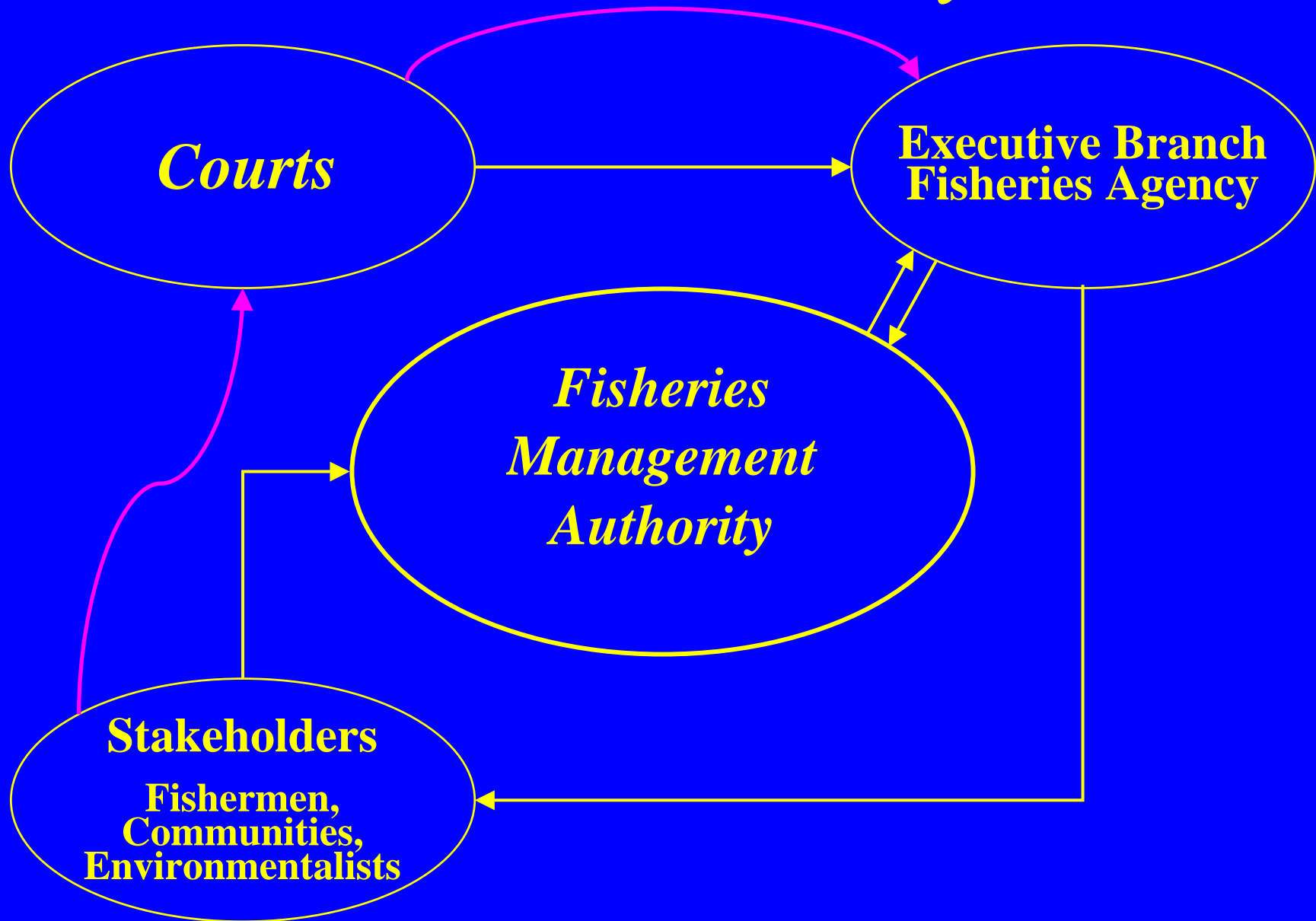
Fisheries Governance System



'End Runs' as Litigation

- The “end run” has taken the form of litigation.
- As of 2001, NMFS was coping with more than 100 legal actions attempting to overturn fisheries management decisions.
- In almost all cases, the litigating parties actively participated in the debates leading up to the decision, but they disagreed with the outcome.

Fisheries Governance System



Threats to good fisheries governance

- Alliance of short-term interests
 - Resource users (e.g., commercial, recreational)
 - insecure claim on future outcomes in fisheries
 - no assurance they will benefit in the future from sacrifices made in the present
 - uncertainty re future outcomes
 - Policies, fish stocks, markets
 - Elected officials
 - short-term election cycles (2, 4, 6, years)
 - concerned with short-term consequences
 - responsive to special interests
 - Shortsightedness

Shortsightedness tends to favor

1. Policies & programs where

- benefits distributed to a few
- costs borne by taxpayers
 - disinterested general public

2. Policies & programs with

- near-term benefits,
- costs to be borne in the future

Examples

- Concentrated, current costs & future benefits:
 - reluctant approval of Multispecies FMP (1987)
 - letter from 6 Senators (ME, MA, RI)
 - cancellation of mesh size increase (1989)
 - cancellation of increase in lobster carapace length

Shortsightedness tends not to favor

- Policies & programs where
 - costs are concentrated on a few
 - benefits accrue to many
- Policies & programs with
 - near-term costs in exchange for
 - future benefits

Examples

- Current benefits & future costs
 - policy of minimum industry regulation
 - groundfish, 1982 - 1994
- Concentrated benefits, widespread costs:
 - vessel buyback program (\$25 mil)
 - alternative fisheries development funds (\$30 mil)
 - vessel construction subsidies

Conclusion

- There is a bias in our fishery management system
 - against the conservation of fishery resources

Where to from here?

- Muddling through
 - Degrees of freedom in decision-making is being constrained
- Separating decisions
 - Allocation from conservation
- Broadening membership of RFMCs
- Changing the incentives
 - Weaken the alliance of short sighted interests