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FEBRUARY 26, 1979

Honorable Warren G. Magnuson  
Chairman, National Ocean Policy Study  
Committee on Commerce, Science and Transportation  
United States Senate

Dear Mr. Chairman:

As requested in your July 19, 1978, letter, we reviewed the functions, activities, and utility of the three interstate Marine Fisheries Commissions in light of the Fishery Conservation and Management Act of 1976 which established the Regional Fishery Management Councils. Pursuant to your request, we also obtained information on possible changes to certain commission activities.

The act created a system of fisheries management in the Fishery Conservation Zone (generally 3 to 200 miles) in the form of a partnership consisting of the Secretary of Commerce, the States, and eight Regional Fishery Management Councils. The system emphasizes local development of fishery management plans by the councils, which are composed of Federal and State officials and individuals from the private sector. Implementation of the plan is the responsibility of the Secretary of Commerce. The act generally did not diminish the States authority to manage species found predominantly within the territorial sea (generally 0 to 3 miles).

The commissions' functions and activities have not substantially changed since the act was passed. One exception, however, is that the executive directors of the commissions are now nonvoting members of the boards of the Regional Fishery Management Councils in their area. The commissions, which were established by interstate compacts, are agencies of the member States and primarily serve States needs. Although the commissions have no jurisdictional authority over fisheries, they serve the States by advocating State interests and coordinating interstate research and territorial sea fisheries management efforts not subject to the act's jurisdiction. We found that the commissions' value to the States varies. Generally, State officials advocate a viable, continuing role for the commissions in dealing with fishery matters and issues that are not exclusively under the councils' jurisdiction,



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such as the territorial sea. Some State officials, however, questioned the need to continue the commissions and have stated that the regional councils and States can, and in some cases do, fulfill the commissions' role.

One State, California, has given a 6-month notice to the Pacific Commission that it intends to withdraw from the commission primarily because of State budgetary reductions.

National Marine Fisheries Service officials said a need exists for an integrated program among the States, Federal Government, commissions, and councils to manage marine fisheries.

A number of States and the commissions are currently reassessing the functions and purpose of the commissions. The objectives of the reassessments vary among commissions, but they mostly reflect regional differences and the views of the States on fishery matters.

The commissions' ultimate role is unclear. We believe, however, that current reassessments of the commissions will help to determine and establish the functions of the commissions relating to the role and purpose of the recently established councils.

For your information, we are providing additional details on the commissions' major activities and functions.

FUNCTIONS AND ACTIVITIES OF  
THE INTERSTATE COMMISSIONS

The commissions are traditionally interstate organizations and promote voluntary cooperation among the States in fishery management and related matters. The passage of the act and establishment of the regional councils have not, as we have stated, substantially changed the commissions' functions and activities which are mostly determined by the member States. The commissions' primary activities include

- advocating State fishery interests before the Congress and Federal agencies,
- facilitating interstate and Federal cooperative fishery management efforts in the territorial sea, and

--coordinating interstate research.

Since the act was passed, commission officials have taken a direct role in and support many council activities through participation as nonvoting council members.

The three commissions receive financial support from their member States based on the primary market value of the States fisheries. During fiscal year 1978, the States contribution to each commission was as follows:

<u>Atlantic</u>	<u>Gulf</u>	<u>Pacific</u>
\$80,000	\$60,000	\$106,000

Additionally, the commissions receive financial support through grants and contracts primarily funded by the National Oceanic and Atmospheric Administration. These funds are used to reimburse State employees for expenses incurred while participating in State/Federal projects, planning and coordinating management and research activities, and participating in Regional Fishery Management Council activities. During fiscal year 1978, total grants and contract support for each commission were about:

<u>Atlantic</u>	<u>Gulf</u>	<u>Pacific</u>
\$84,000	\$38,500	\$276,200

#### Advocating State fishery interests

One of the commissions' chief functions is to actively support member States interests in fishery management and related activities. In carrying out this function, the commissions have testified before congressional committees and other interested parties. For example, in 1977, the Pacific Marine Fisheries Commission adopted a resolution calling for an increased level of Federal funding for the Commercial Fisheries Research and Development Act (Public Law 88-309) which provides grants-in-aid to States to increase their research and management capabilities for ocean fisheries. Officials of the three commissions informed us that they actively pursued congressional action to obtain increased funds for the program and that \$1.2 million was added to the fiscal year 1979 appropriations because of their efforts.

In 1977, the Atlantic States Marine Fisheries Commission also passed a resolution which advocated a strong

State/Federal fisheries management program. The program was established by the National Marine Fisheries Service in 1971 to coordinate fisheries management by States and has been a major source of Federal funds provided to States through the commissions. Through the program, plans are developed cooperatively by the States, the Federal Government, and other interested parties. National Marine Fisheries Service and commission officials informed us that implementation of the act was emphasized during 1976 through 1978, and the National Marine Fisheries Service support for the State/Federal program was deemphasized. The Atlantic Commission is now advocating an expanded program to help develop management plans for regional fisheries predominantly within the territorial sea and outside the councils' authority. Due to an April 1977 request of the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, the commission is preparing a proposal outlining the expanded program. The proposal is to include a priority list of species for management and a recommended planning program for each species.

Facilitating interstate and Federal cooperative fishery management in the territorial sea

Before the act was passed, effective fishery management was hampered by multiple State jurisdictions having authority over fishery stocks. The act established a Fishery Conservation Zone, generally 3 to 200 miles, within which the United States has exclusive fishery management authority and also provides for effective management of fishery stocks fished predominantly within the zone and anadromous species (fish, such as salmon, which spawn in fresh waters, migrate to ocean waters, then return to fresh waters to spawn).

While the act, in some cases, has diminished the commissions' role in fishery management planning, it has not entirely eliminated the need for the commissions' activities in cooperative State planning. Approximately 77 percent of the fish and shellfish species listed in the Fishery Statistics of the United States for 1975 were harvested by U.S. commercial and recreational fishermen within the 3-mile territorial sea. Authority to manage these species rests with the respective coastal States. Additionally, many Atlantic and Gulf of Mexico coastal species span or migrate across State lines. These include southern shrimp, Atlantic and Gulf menhaden, striped bass, and bluefish. Officials of the Atlantic and Gulf Coastal States, commissions, and the National Marine Fisheries

Service said the act does not affect such territorial sea stocks and continuing cooperative State planning efforts are needed to effectively manage fish migrating between State jurisdictions.

We have been told by Federal and State officials that the commissions facilitate such planning by helping manage the State/Federal program and by serving as a convenient forum for States to discuss territorial sea issues. With the National Marine Fisheries Service's assistance, each commission has helped manage fishery management planning projects. For example, the northern shrimp is a common fishery of Maine, Massachusetts, and New Hampshire. Through the commission's regulations and complementary States regulations, this overfished fishery currently is closed. The individual States serve as the enforcement arms of the commission. Under the State/Federal program, a long term plan for the fishery is being prepared.

Additionally, State fishery department directors and other State officials told us that the commissions generally provide a forum to discuss territorial sea management problems not subject to the act. As an example, the Gulf States Marine Fisheries Commission sponsors symposiums which serve as a mechanism to exchange information on the territorial sea and other issues.

According to west coast State officials, the need for commission efforts on the Pacific coast for interstate management planning has diminished since the act's passage. The Executive Director of the Pacific Marine Fisheries Commission informed us that before the act, the commission had management teams for the salmon-steelhead, groundfish, shellfish, and albacore fisheries. Currently, the only active fisheries management team is for albacore because the Pacific and North Pacific Councils established by the act are responsible for preparing plans to manage the salmon, groundfish, and shellfish fisheries. Additionally, Pacific Coastal State directors and the commission's Executive Director stated that, unlike the Atlantic coast, the councils have jurisdictional authority to prepare plans for all significant commercial transboundary fisheries on the west coast. According to the Executive Director, the only multi-State transboundary ocean fishery in the territorial sea for which the councils are not preparing a plan is the recreational fishery for rockfish, flatfish, and surf-perch.

Coordinating interstate research

To varying degrees, the commissions coordinate several cooperative State research projects. The Pacific Marine Fisheries Commission is the most active and current projects include

- cooperating with the National Marine Fisheries Service in collecting, verifying, and processing data contained in albacore logbooks and collecting biological data on fish landings through port samplings;
- coordinating the Regional Fisheries Data Consolidation Project--establishing coastwide data files, determining regional fishery data needs, and developing an acceptable Pacific Coast Marine Recreational Fisheries Statistics Survey;
- conducting a study to determine and evaluate alternative structures and support of an organization to promote underutilized species; and
- establishing a computerized data retrieval system for anadromous fish marking and tagging data.

Other commission research activities involve coordinating coded wire tag studies and evaluating Chinook salmon maturity.

While National Marine Fisheries Service officials stated that the Pacific and North Pacific Councils could eventually assume the commission's research coordination function, according to the Executive Director of the Pacific Fishery Management Council an increased staff and a firm commitment for support from both the States and the Federal Government would be needed.

The Gulf Commission is coordinating several studies through a contract with the National Marine Fisheries Service to collect information on certain species, including the recreational shrimp fisheries.

Council support

According to the act, the Executive Director of the Marine Fisheries Commissions, or his designee, is a nonvoting member of the Regional Fisheries Management Councils. The

Executive Directors informed us that as members, they attend the councils' meetings, provide advice to the councils, and formally comment on the councils' fishery plans.

The fishery management planning activities of the commissions and the State/Federal program have been used by the councils in preparing their plans.

Research coordinated by the Pacific and Gulf Commissions also supports council activities. For example, the Pacific Marine Fisheries Commissions' project on the development of a coastwide data system, which is planned to achieve a coastwide compatibility of statistics, is considered essential by the Pacific Council's Executive Director to the council's fisheries management efforts.

#### POTENTIAL CHANGES IN COMMISSION ACTIVITIES

Generally, the Atlantic and Gulf of Mexico Coastal State officials we contacted believe that their respective commissions have a definite purpose and are useful in advocating State interests and coordinating interstate projects. Additionally, modifications are being considered by both the Atlantic and Gulf Commissions and member States concerning the commissions' role in territorial sea fisheries.

State officials on an ad hoc committee of the Atlantic Commission are considering expanding the role of the commission in cooperative State fishery management in the territorial sea. As previously discussed, the act did not deal with many fish stocks in the territorial sea which migrate through the jurisdictions of two or more States and, in some cases, species which are found both in the territorial sea and the Fishery Conservation Zone.

Specifically, State officials are considering legislation through which the commissions would direct the preparation and implementation of fishery management plans for territorial sea species. Through commission membership, State officials would prepare management plans. The States through the commission would approve, disapprove, or modify plans and establish a timetable for implementation. The commission, by a majority vote of affected member States, would have the authority to request the Secretary of Commerce to regulate a fishery if a State failed to implement the approved plan within the time agreed to by the State.

According to National Marine Fisheries Service officials, integration of State and Federal fishery management activities in the territorial sea and the Fishery Conservation Zone is needed. These officials told us that an arrangement such as that being considered by the Atlantic Commission is one option to obtain effective fisheries management.

The Gulf Commission is considering a National Marine Fisheries Service proposal for a formal agreement with the Gulf Council in order to integrate fisheries management in the territorial sea and Fishery Conservation Zone. According to the Gulf Commission's Executive Director, the commission has established a Task Force to consider such an agreement through which the commission would act as a mediator and negotiator with the Gulf Coastal States and the Gulf Council to develop plans which manage fisheries throughout their range.

West coast State officials informed us that they generally support continuing the Pacific Commission's role in interstate fishery issues not subject to council jurisdiction. A minority of State officials questioned the need for the commission. These officials informed us that the councils and individual States can and do effectively provide the same services as the commissions. The Pacific Commission's Executive Committee (composed of the chiefs of the States fisheries departments) has mandated a reassessment of the commission's goals and objectives, organizations, and operations. The reassessment is directed at streamlining the commission and is prompted by the demand placed on State resources by participating in council and commission activities. Specifically, the Executive Director of the commission is reviewing the commission's organization and operation to bring the goals and objectives and rules and regulations into conformity with changes created by the act; improve the cost effectiveness of the commission; suggest new operating methods, such as meeting format; and evaluate action procedures available, particularly the resolution process. A final report by the Executive Director will be presented at the commission's annual meeting in early October 1979.

The Executive Director of the Commission informed us that in January 1979 California gave a 6-month notice of an intention to withdraw from the commission. The Executive Director stated that California's action was prompted by State budgetary reductions.



CONCLUSIONS

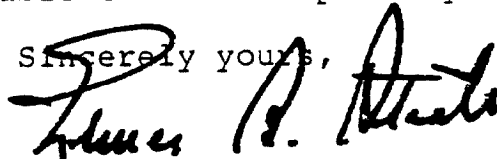
To date, the functions and the activities of the commissions have not substantially changed since passage of the act. Generally, the commissions have and currently are providing services and assistance to the member States. State officials, for the most part, support a continuing role for the commissions on matters not subject to the councils' jurisdiction.

While commission activities, such as coordinating research, could be performed by the councils, other areas, such as planning and managing of territorial sea species, are not subject to council jurisdiction. In the absence of an amendment to the act to include the territorial sea, the commissions can provide a valuable service in coordinating interstate fisheries management for species predominantly in the territorial sea.

The commissions' final role is unclear at this time. We believe that the current reassessments by the commissions should be very useful in helping to determine and establish the ultimate role and functions of the commissions in fishery issues.

As arranged with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 7 days from the date of the report. At that time we will send copies to interested parties and make copies available to others upon request.

Sincerely yours,



Comptroller General  
of the United States