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Newsroom

Farady on Obama's Salmon Reference

Slate turned to Susan Farady, director of the Marine Affairs Institute, to explain the federal salmon oversight referenced by President Obama in his SOTU address.

[Slate](#), for its column, *Explainer: Answers to your questions about the news*, turned to **Susan Farady**, director of RWU Law's **Marine Affairs Institute**, for background on "[One Fish, Two Fish, Who Regulates You, Fish? Is federal salmon oversight as complicated as President Obama claims?](#)" by Brian Palmer



Jan. 26, 2011: President Obama cracked wise about the complexity of federal fish regulations during his State of the Union address on Tuesday. "The Interior Department is in charge of salmon while they're in fresh water," the president noted, "but the Commerce Department handles them when they're in saltwater. I hear it gets even more complicated once they're smoked." Why do two different departments regulate one humble fish?

Because salmon won't stay put. The U.S. Fish and Wildlife Service, part of the Department of the Interior, has jurisdiction over fishermen working in inland bodies of water, while the Commerce Department's National Oceanographic and Atmospheric Administration regulates marine fishing within 200 miles of the U.S. coast line. (Fishing beyond that distance is loosely governed by various international bodies and agreements.) There's nothing crazy about this regulatory divide. Large commercial operations dominate marine fisheries, whereas freshwater fishing is largely the province of sportsmen. Monitoring stocks of ocean fish is also more expensive and complex than keeping track of the population in a river. From a commercial fisherman's perspective, this governance structure isn't nearly as vertiginous as the president implied. Most fish fall neatly within the jurisdiction of one of the two agencies. Salmon are among a handful of fish species, along with shad and eel, that cross the regulatory boundary in the course of their regular migrations, but commercial operators hunt salmon exclusively in the ocean. While many have

complained about overregulation and inconsistent and overlapping state requirements, no one has ever campaigned for a single agency to govern anadromous fish.

That doesn't mean there isn't controversy in the world of fish regulations. To the contrary, NOAA has its hands full trying to figure out how to balance the demands of environmentalists and industry. Once the difficult scientific work of setting seasonal catch limits is complete, officials have to figure out how to divide the allotment among commercial interests. Acting through regional commissions, NOAA has tried limiting the total weight of each operation's annual catch, as well as prescribing the total number of days a company can fish. They're now experimenting with a market-oriented approach, in which shares of the catch limit can be sold from one private entity to another.

While it makes sense to regulate saltwater and freshwater fishing with two agencies, there's less of a reason to operate those agencies out of different departments. Fish and Wildlife, the older of the two regulating bodies, was placed in the Department of the Interior upon its creation in 1940. President Nixon created NOAA by executive order in 1970, with the intention of combining it with Fish and Wildlife and other agencies in a new Department of Natural Resources. While awaiting congressional approval for the department, Nixon temporarily housed NOAA in Commerce, in large part because Interior Secretary Wally Hickel was on the outs with the president. (Hickel had repeatedly criticized Nixon's Vietnam policies.) Congress never got around to establishing the new department, and NOAA stayed

While salmon regulations may not themselves be a source of much controversy, President Obama is far from the first public official to criticize the way the federal government handles marine resources. The Pew Oceans Commission, chaired by now-CIA director Leon Panetta, recommended creating a National Oceans Agency in 2003. A year later, the congressionally mandated U.S. Oceans Commission pointed out that 11 of the 15 Cabinet-level departments have a hand in regulating the oceans and suggested that a council be created to coordinate policy. (President Obama finally took that step in 2009.)

Bonus Explainer: So who regulates smoked fish? The Department of Agriculture, mostly. The USDA's Agriculture Marketing Service regulates the production and labeling of salmon in minute detail, including its color, provenance, and texture. The Food and Drug Administration, which is part of the Department of Health and Human Services, also plays a role in labeling, and their Veterinary Medicine Advisory Committee is currently trying to decide whether genetically modified salmon should be sold as food, smoked or otherwise.

Corrections, Jan. 27, 2011: This article originally stated that no one has ever campaigned for a single agency to govern anadromous fish. In fact, there has been a movement to consolidate fisheries management in one agency, although that agency would have governed all fish, not just the migratory ones. That statement has been removed.

The article also mistakenly noted that the federal regulatory scheme for salmon management has not been controversial. This is not accurate. It has been a hot button issue among politicians and environmentalists in the Pacific Northwest for some time. That statement has also been removed.

Correction, Jan. 28, 2011: The original misidentified NOAA as the National Oceanographic and Atmospheric Administration. It is the National Oceanic and Atmospheric Administration.

Correction, Jan. 30, 2011: The original stated that commercial salmon fishing occurs only in the ocean. In fact, there are indigenous tribes running commercial salmon fishing operations in freshwater.

*Explainer thanks **Susan Farady of the Marine Affairs Institute at Roger Williams University School of Law** and **Gus Rassam of the American Fisheries Society**.*

For full story, click [here](#).

[http://www.slate.com/articles/news_and_politics/explainer/2011/01/one_fish_two_fish_who_regulates_you_fish.html]