

Roger Williams University Law Review

Volume 8
Issue 1 *Vol. 8: No. 1 (Fall 2002) - Symposium:
National Fisheries Law & Policy*

Article 1

Fall 2002

Symposium: National Fisheries Law and Policy: Introduction

Ronald C. Baird
National Oceanic and Atmospheric Administration

Follow this and additional works at: https://docs.rwu.edu/rwu_LR



Part of the [Law Commons](#)

Recommended Citation

Baird, Ronald C. (2002) "Symposium: National Fisheries Law and Policy: Introduction," *Roger Williams University Law Review*: Vol. 8 : Iss. 1 , Article 1.

Available at: https://docs.rwu.edu/rwu_LR/vol8/iss1/1

This Symposia is brought to you for free and open access by the School of Law at DOCS@RWU. It has been accepted for inclusion in Roger Williams University Law Review by an authorized editor of DOCS@RWU. For more information, please contact mwu@rwu.edu.

Symposium: National Fisheries Law and Policy*

Introduction

Ronald Baird**

On behalf of the National Sea Grant College Program and its thirty university-based programs, welcome to what I know will be a seminal event – an event that will challenge us to develop new ideas and approaches to fisheries management and to do it in the context of a legal framework that allows reconciliation of multiple, often conflicting uses of natural resources. Given the dramatic demographic and economic trends before us, particularly along our coasts, this will not be an easy task. I believe this to be the case because the agency and program I represent have a long history of investment in fisheries issues. I am hopeful, however, that the results of this meeting will help shape the future direction of that investment.

One thing I can say without equivocation is that we are well into a transformation in how we will need to manage fisheries resources in response to changing socio-economic conditions. Thus, my purpose today is to leave you with a few thoughts that might be helpful in framing the issues before us and in provoking thought

* The National Fisheries Law and Policy Symposium was held on June 28, 2002 at the Roger Williams University Ralph R. Papitto School of Law. The principal sponsors of the symposium were the Rhode Island Sea Grant College Program and the School of Law. Additional financial support was provided by the National Sea Grant Office, the National Sea Grant Fisheries Theme Team, the National Sea Grant Law Center, and the Connecticut, Maine, New Jersey, and Woods Hole Oceanographic Institution Sea Grant Programs.

** Director of the National Sea Grant College Program, National Oceanic and Atmospheric Administration.

about the future implications for both fisheries management and the legal and legislative framework that must support it.

First, we need to be aware of the sheer magnitude of the numbers we are dealing with, the non-linear growth rates that are often involved, and their geographic scale in considering present and future human-generated impacts on fisheries resources. We must be cognizant of the urgency that such numbers portend for management policy against a background of ecosystems already greatly disturbed by human activity. A few examples illustrate the point concerning magnitude, rates and scale:

- 44% of the world's population – more people than inhabited the globe in 1950 – live within 150 kilometers of the sea.¹
- According to the last census, the population of the United States increased by 33 million people in the last decade.² Of the twenty most populous states, seventeen are found along the coast including the Great Lakes.³
- By 1998, there were already 17 million saltwater anglers in the United States and sports fishing economic output was over \$31 billion, almost ten times the ex-vessel value of domestic commercial fish landings.⁴
- States' seafood trade deficits exceed \$6 billion⁵ and world seafood demand is expected to increase 70% by 2025.⁶ Because capture fisheries are stable or declining, aquaculture production worldwide would need to increase between two and three-fold over the 2000 reported totals of 28.3 million

1. JOINT GROUP OF EXPERTS ON THE SCI. ASPECTS OF MARINE ENVTL. PROT. & ADVISORY COMM. ON PROT. OF THE SEA, *A SEA OF TROUBLES* 19 (2001), available at <http://gesamp.imo.org/no70/index.htm> (last visited Jan. 10, 2003) [hereinafter *A SEA OF TROUBLES*].

2. U.S. CENSUS BUREAU, U.S. DEP'T OF COMMERCE, UNITED STATES CENSUS 2000 (2001), available at <http://www.census.gov/population/cen2000/tab04.txt> (last visited Jan. 10, 2003).

3. *Id.*

4. SUSAN HANNA, H. JOHN HEINZ III CTR. FOR SCI., ECON., & THE ENV'T, *FISHING GROUNDS: DEFINING A NEW ERA FOR AMERICAN FISHERIES MANAGEMENT* 4 (2000); Forbes Darby, Address at the Sportsfishing Leadership Conference (Feb. 24, 2003) (transcript on file with author).

5. *MARINE AQUACULTURE AND THE ENVIRONMENT: A MEETING OF STAKEHOLDERS IN THE NORTHEAST* xvi (M.F. Tlusty et al. eds., Cape Cod Press 2001), available at <http://alpha.es.umb.edu/mae01/marineaq.pdf> (last visited Jan. 10, 2003).

6. MASS. OFFICE OF COASTAL ZONE MGMT., *MASSACHUSETTS AQUACULTURE WHITE PAPER – INTRODUCTION TO INLAND AQUACULTURE* 1 (1995), available at <http://www.state.ma.us/czm/wp inland.htm> (last visited Jan. 10, 2003).

metric tons⁷ to 50-90 million metric tons annually to satisfy demand.⁸

This is the societal milieu we must deal with in crafting informed fisheries laws and policy.

Second, the productivity of ecosystems in terms of fisheries yield is critical to sustainability and therefore needs to be considered in our legal framework. For instance, degraded habitats lead to lower yields of desired species. Fish habitat degradation, however, involves problems not considered by the public to be a part of fisheries law or policy. Such problems include water quality, land use, habitat alteration and the complexity of the socio-economic dimensions involved in these problems. The following examples illustrate some of the complexities related to habitat issues.

- Global fertilizer consumption increased by about 50% from 1975 to 1996, or by over 40 million tons per year.⁹
- The number of harmful algal bloom episodes in the West Central Atlantic increased over six-fold from 1980 to 1996.¹⁰
- Up to two thirds of wetlands in the United States and Europe have been destroyed, mostly in the last several decades.¹¹
- More than 60% of the coastal rivers and bays along shores of the continental United States are moderately to severely degraded by nutrient pollution.¹²

Currently, the Essential Fish Habitat provision of the Sustainable Fisheries Act¹³ is the only legal mandate for marine environments that I am aware of that requires management to explicitly consider the environment holistically, or in an ecosystem context with regard to fisheries productivity. It is generally acknowledged

7. AQUACULTURE PROD. TECH., LTD., THE DETERIORATION OF OCEAN FISHERIES AND THE ROLE OF AQUACULTURE, <http://www.aquaculture.co.il/seafood-supplies.html> (last visited Jan. 10, 2003).

8. Michael B. New, *Aquaculture and the Capture Fisheries*, 28 WORLD AQUACULTURE 11, 30 (1997).

9. A SEA OF TROUBLES, *supra* note 1, at 9.

10. *Id.* at 8.

11. *Id.* at 14.

12. OCEAN STUDIES BD., NAT'L RESEARCH COUNCIL, CHALLENGES IN OCEAN POLICY 2 (2001), available at http://www7.nationalacademies.org/osb/Challenges_in_Ocean_Policy.pdf (last visited Jan. 10, 2003).

13. Pub. L. No. 104-297, 110 Stat. 3559 (1996) (codified in scattered sections of 16 U.S.C. and 46 U.S.C.).

that we need to achieve ecosystem-based management to ensure long term fisheries production; yet the legal, policy and operational framework for holistic approaches to fisheries management are not well developed. Problems associated with such issues as pollution and land use, for instance, are seldom under fisheries regulatory authority.

Nonetheless, enlightened public policy rests on a sound foundation in legislation and the law. You simply must have a strong legislative fabric, both locally and nationally. In the end, it is the legal framework, not science, that defines acceptable ecosystem status and provides the basis for conflict resolution. That framework will largely determine how well we as a nation satisfy the sustainability equation of which fisheries law and policy is an essential element.

I look forward to the results of today's deliberations and to the recommendations forthcoming.