

Chronological: Annual Meeting of the National Fisheries Institute 1977

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Senator DANIEL K. INOUE

topic: SPEECH BY SENATOR DANIEL K. INOUE BEFORE THE
ANNUAL MEETING OF THE NATIONAL FISHERIES INSTITUTE

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I very much appreciate the opportunity to address your annual meeting here in Hawaii. The Institute has, since its inception, been actively involved in shaping our nation's fishery policy and should be commended for its public service. Your executive director, Mr. Lee Weddig, has been particularly helpful to the Senate Committee on Commerce on various occasions and we appreciate his help.

Today I would like to share with you a few general thoughts and observations about ocean and fishery policy, about pending legislation on fisheries, and about some lingering fishery problems. In Washington it seems we never get rid of our problems. They keep returning, just change shape and reproduce something like the sockeye salmon.

First of all, as many of you know, the Senate has just undergone its first major reorganization since 1946. The need for reform of our 30 year-old committee system became obvious as we struggled to cope with the growing energy problem. But other changes were needed, and we acted on a new organization plan early this year.

In the process of this reorganization, the Senate Commerce Committee became the Committee on Commerce, Science, and Transportation. During the consideration of the various reorganization proposals, it was at one time proposed that oceans jurisdiction be split among several committees. As you can imagine, there was serious concern about this proposal, not only among members of the Commerce Committee who have had a strong interest in these matters, but also among many of you here today. I am pleased to say that the Senate rejected a further fractionalization of ocean jurisdiction. But fisheries jurisdiction was divided up along three lines.

The Senate Commerce Committee maintains its jurisdiction over "marine fisheries". The Committee on Environment and Public Works has authority over "inland fisheries", primarily those programs administered by the U.S. Fish and Wildlife Service in the Department of the Interior. Food from fresh water became the business of the Senate Agriculture Committee.

In summary, the Senate Commerce Committee maintains jurisdiction over all salt water fishing matters, both commercial and recreational; over anadromous fisheries; over the 200-mile limit legislation; over the National Marine Fisheries Service in the Department of Commerce; over international fishery agreements; and over the Marine Mammal Protection Act. In short, we are still the fisheries committee.

High on the list of interests remains the 200-mile limit. I voted for the bill which became Public Law 94-265 establishing a U.S. fishery conservation zone of 200 nautical miles.

But, as with many of you here, I had earlier opposed that measure. The world trend toward the extended fishery limit was simply too strong, and the evidence of foreign overfishing too clear to ignore. Today, every major coastal nation, except Japan, has asserted such a limit. I am told that it is now a rule of customary international law.

At the same time, I support efforts to achieve a universally acceptable law of the sea treaty. If one is agreed upon, our law will be folded into a new treaty which will definitely contain a 200 mile economic zone. Yet the reports we get from our new negotiator, Mr. Elliot Richardson, are not hopeful about a law of the sea agreement this year. The difference of opinion between the developed and developing countries over the subject of deep seabed mining is simply too wide to bridge.

The new Fishery Conservation and Management Act is already receiving its test. On April 9 an inspection party from the Coast Guard cutter DECISIVE boarded the Soviet stern trawler TARAS SHEVCHENKO. The party found evidence of retention of river herring in excess of that allowed under U.S. regulations. Based on this discovery and other violations, the ship was seized. After two previous refusals, the Department of State and the National Security Council concurred in the seizure.

Since March 1, when the new fishery law went into effect, there have been 76 citations against foreign vessels. 36 of those citations have been against Soviet vessels. Obviously, as President Carter said, "we had to draw the line somewhere".

Creating an early atmosphere of swift deterrance is crucial to enforcement of this new law. As yet our enforcement force is transitional. The Coast Guard has reactivated a few old ships and leased some aircraft from the Air Force. But new enforcement equipment, for which the Congress appropriated \$100 million last year, is in the procurement stage. It will be at least another year until the full compliment of enforcement vessels and aircraft are on line.

Fishermen in the New England area were particularly concerned about our fishery enforcement policy. They could see a double standard being used--one for them and one for the foreigners. Since many of them wanted all foreign fishing banned inside the 200-mile limit, you can imagine what they have been saying. Senator Warren Magnuson, Chairman of the Commerce Committee, has scheduled a hearing on April 20 to look into the enforcement issue.

But management of foreign fishing may not be as sticky a problem under the new law as management of our own fishermen. In many of our fisheries there are simply too few fish and too many fishermen. Allocation of fish is inevitable, and it will be controversial. Already the Pacific Fishery Management Council has recommended a plan to reduce salmon fishing by trollers off Oregon, Washington, and California. The troll fishermen are angry and feel doublecrossed by the new 200-mile limit law.

Yet many of our more important fisheries have been depleted by American fishermen. If management and perpetuation of our fish stocks is going to work, our own fishermen will have to toe the line. The Fishery Conservation and Management Act provides the framework for wise management. Management decisions were centralized in regional councils, close to those affected. The councils are, in effect, an experiment in government. Whether they will work remains to be seen.

The first session of the 95th Congress is not going to be an active one in fisheries legislation. The Committee has several routine bills which it must act on, but no new major initiatives are planned this year. We intend to maintain a close oversight over the 200-mile limit law and its implementation and enforcement. Also we plan to continue to examine such issues as fish inspection, financial assistance for the fishing industry, aquaculture, foreign investment, and establishment of a national fisheries plan. But legislation on these matters is not anticipated during this session.

The declining sales of domestic fish have been of deep concern to me. Here we have one of our most basic industries which has suffered, in part, because of erroneous public perceptions that the product is not wholesome and clean. To the extent that the voluntary certification program conducted by the National Marine Fisheries Service can overcome this misconception, there is hope.

But if the voluntary program is not successful, there are a number of my colleagues who have suggested that we undertake either a mandatory fish inspection program, similar to the meat inspection program, with the Government bearing all costs, or that a lower cost voluntary safety assurance program, with back-up Federal sanitation standards be imposed. Needless to say, we will watch developments in this area closely to see if the steps taken to date can help to increase fish consumption in the United States.

Before I conclude, let me mention one other problem which is sure to grow in the years ahead. Last month, I sat through two days of hearings and about 25 witnesses on the Marine Mammal Protection Act, primarily on the tuna/porpoise issue. While these hearings were well publicized, I seemed to be the only Senator willing to be actively involved in this highly controversial subject. I learned that the greatest difficulties in this issue are two: first a wide difference of philosophy between the tuna fishermen and the conservationists and second, a distressing lack of trust between those two groups. Those difficulties, more than anything else, is keeping us from the middle ground I know exists.

Two things that struck me was the fact that porpoise mortality was declining and that an experiment cruise by a tuna seiner indicated that further reductions were likely. Also I was somewhat surprised to discover that the stocks of eastern spinner porpoises had been declared as "depleted" under the Act even though the stock was growing in size, numbered about 1.2 million animals in the effected area and would continue to grow in population with virtual certainty even if 6,000 died during 1977.

One thing is clear: no porpoise populations are endangered. But the goal of the Marine Mammal Act is to reduce incidental kills of porpoise during tuna fishing operation to a level approaching zero.

Since the Committee hearings, I have been involved in behind-the-scenes negotiations in an effort to bring the parties together. We have been successful in reducing, but not eliminating, the differences between them.

It is clear to me that the tuna fishermen have an interest in safeguarding porpoises. These animals, after all, are an aid to their fishing efforts. But a better program is needed to reward those fishermen who take special care to protect porpoises while denying fishing privileges to those who have shown a blatant disregard for the porpoises. Last year, I am told, five boats were responsible for 45% of the porpoise mortalities. The other 135 U.S. tunaboats nevertheless suffer because of this.

I said that further problems under the Marine Mammal Protection Act can be expected. As you all know, there is a predator-prey relationship between certain mammals and fish, sea otters and abalone, seals and salmon, and so on. Achieving the goal of maximum production of fish while assuring maximum growth of marine mammal stocks is impossible. For example, preliminary scientific reports say that the fur seal population take far more Alaskan pollock than all foreign fishing, which amounted last year to 1.3 million metric tons.

In short, it will not be too long before the nation will be confronted with a choice between absolute protection of marine mammals and maximum production of food from the sea.

In closing, I hope you will take the time to let the committee know your views, individual or collective, on the various matters I have discussed. A continuing dialog between the Congress and the affected public is vital to an effective government. I hope you will exercise your right to petition your representatives.

THANK YOU.