

Who Speaks For The Saltwater Angler?

by CHARLES WITEK



Editor's Note: Many of the RISAA member charter captains are conservation minded with a "fish first" attitude and do not fall into the category mentioned in this article towards the end.

On May 7, the Atlantic States Marine Fisheries Commission Fishery management bodies, whether on the state, federal, or local level, are supposed to represent the public interest in living marine resources. Nothing spells out that obligation better than the oath required of all voting members of federal fishery management councils:

"I, [name of person taking oath], as a duly appointed member of a Regional Fishery Management Council established under the Magnuson-Stevens Fishery Conservation and Management Act, hereby promise to conserve and manage the living marine resources of the United States of America by **carrying out the business of the Council for the greatest overall benefit of the Nation**. I recognize my responsibility to serve as a knowledgeable and experienced trustee of the Nation's marine fisheries resources, being careful to **balance competing private and regional interests**, and always aware and **protective of the public interest in those resources**. I commit myself to uphold the provisions, standards, and requirements of the Magnuson-Stevens Fishery Conservation and Management Act, and other applicable law, and shall conduct myself at all times according to the rules of conduct prescribed by the Secretary of Commerce. This oath is given freely and without mental reservation or purpose of evasion. [emphasis added]"

As far as I can determine, no similar oath is required of those who sit on the Atlantic States Marine Fisheries Commission's various management boards, and while I can't speak for what other states require, I know that no such oath is required of those appointed to New York's Marine Resources Advisory Council.

Having once held a seat on the Mid-Atlantic Fishery Management Council, I can say from personal experience that the oath set out above places a heavy burden on Council members.

Managing resources for the greatest overall public benefit, rather than just for personal gain, is a challenging thing to do, because it may well place a Council member in a position of voting against their own interests and desires. It also places them in a position to be pressured, harangued, and reviled by their peers if they live up to their sworn word, and vote against the interests of their particular sector when such interests are at odds with what's best for the nation as a whole.

Thus, most council members, other than representatives of state and federal agencies, **turn out to be oathbreakers** who elevate their own and/or their sector's interests above those of the nation.

It's no different at the ASMFC or state level, which is why, in the case of any fishery management body, the various commercial and recreational industry organizations try so hard to place their preferred representatives in any open seat.

That probably works out fairly well on the commercial side

where, apart from spats over states' allocations or conflicts over gear types, the votes are going to turn out pretty much the same no matter who is sitting at the table.

With few exceptions, no matter who is casting them, **commercial votes will favor the highest possible level of landings, the longest possible rebuilding times, and the fewest possible regulations that might restrict fishing activity.**

On the recreational side, things get a little more complicated.

There are a lot of recreational fishermen, some of whom fish primarily for food, some of whom fish only for sport, and most of whom fall somewhere between those extremes. For them, fishing is an enjoyable hobby that they pursue in their spare time. As spare time is scarce, and often limited to weekends, private anglers tend to favor longer seasons over higher bag limits, although most probably like a size limit that's small enough to allow them to take a few fish home.

While some anglers are highly skilled, most are more casual fishermen who trust as much to luck as to skill for angling success. **For their fishing to remain enjoyable, fish must be abundant enough that even a relatively poor angler can catch some from time to time; otherwise, the activity soon loses its appeal.**

As demonstrated by recent public comment on both the proposed Amendment 7 to the ASMFC's striped bass management plan and comment on the *Allocation and Rebuilding Amendment to the Bluefish Fishery Management Plan*, **anglers tend to favor management measures that lead to greater abundance and the long-term health of fish stocks, even if that means more restrictive regulations and lower landings in the short term.**

On most regional fishery management councils, such anglers are lumped together with what the Magnuson-Stevens Fishery Conservation and Management Act defines as the "charter fishing sector," party and charter boats that venture out on the water not for pleasure, but for pay.

Because a portion of their clientele want to take home as many fish as possible, most for-hire operators are not as supportive of conservation measures as the greater angling community.

In a 2006 report, *Review of Recreational Fisheries Survey Methods*, a National Academy of Sciences panel concluded that "The for-hire sector of marine recreational fisheries (i.e., charter, guide, and head boat operations) is more like a commercial sector than it is like the private-angler sector."

While that observation was made with particular reference to gathering recreational fisheries data, it has much wider application, as a substantial portion of for-hire operators also work as commercial fishermen, either fishing on others' boats, fishing commercially on their own boats when they don't have a charter or, in the case of some ports and species, even selling fish caught by their customers. **(to page 9)**