

USE OF THE PELAGIC LIVING RESOURCES: THE LEGISLATIVE POINT OF VIEW

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We are all aware of the statistics of California's dynamic growth, which by almost any measure—rate of population increase, gross economic product, variety and volume of agricultural, national resource, and industrial products, or miles of freeways and numbers of motor vehicles, for example—exceeds that of the other states, as well as most *nations* of the world. Only very recently, however, are we becoming aware of and concerned about the impact of this explosive growth upon the extraordinary variety and abundance of natural resources that contribute so much to the unique qualities of California life—a heritage which is perhaps unequaled by any political entity in the world. The result of this increasing awareness is a growing emphasis by many elements of the public and private sectors on the development of a much broader, comprehensive view of the effects of growth upon our environment, and the formulation of new public policies mandating the more rational, responsible, factually-based management of our remaining natural resources in the total public interest.

Because of its capacity for direct response to the mood and needs of the people, this new emphasis on environmental and resources planning is perhaps most dramatically manifested in the State Legislature, in which I am privileged to serve. Thus, we have seen the increasingly successful legislative effort in recent years to develop more comprehensive resources and environmental management policies in a wide array of problem areas such as transportation and freeway planning, forest practices and watershed management, the control of air and water pollution, the preservation and conservation of open space, the meeting of burgeoning outdoor recreation needs, the regulation of such environmental pollutants as billboards and junkyards, and regional resources and development planning in such unique areas as the Lake Tahoe Basin and the San Francisco Bay Area.

However, as vital as the success of these programs is to the maintenance and improvement of the quality of life in California, they are focused essentially on the use of resources and management of the environment on the continental land mass. They are not directed toward the orderly conservation and development of the last, and potentially the richest, untapped natural resource in California—the proximate Pacific Ocean and its coastline. The full significance of this resource becomes apparent when one realizes that California—as a state of the United States—is economically, scientifically, and strategically more im-

portant than most maritime nations of the world, and that by 1980 over three-fourths of its rapidly-expanding population—perhaps some 25 million people—will live in the counties and metropolitan areas along the 1,200 mile California coast.

In recognition of these facts, in 1965 I was privileged to be appointed Chairman of the Assembly Subcommittee on Marine Resources by Chairman Edwin L. Z'berg of the parent Committee on Natural Resources, Planning and Public Works. The Subcommittee was charged with the responsibility of conducting the first major legislative examination of the policies and programs governing the conservation and development of the resources of the marine and coastal environment in California. Based upon our studies, in which we reviewed in depth the roles and responsibilities of the many federal and state agencies concerned with our ocean resources, and during which we reviewed the carefully-considered views of many distinguished representatives of the academic community and the private sector, the Subcommittee concluded that there is an urgent need to replace the existing series of inadequate, uncoordinated state policies and programs in this field with a comprehensive, coordinated state policy and program ensuring the long-range, multiple-use conservation and development of the resources of the California marine and coastal environment in the total public interest.

Responding to this conclusion of the Subcommittee, in the 1967 Session of the Legislature I successfully authored the Marine Resources Conservation and Development Act of 1967. This Act, the passage of which places California in the forefront of the maritime states in marine and coastal resources policy, declares it to be the policy of the State of California “. . . to develop, encourage, and maintain a comprehensive, coordinated state plan for the orderly, long-range conservation and development of marine and coastal resources which will ensure their wise multiple-use in the total public interest . . .” To implement this policy the Act mandates the preparation of a “Comprehensive Ocean Area Plan” by the Governor, which is to be reviewed by the California Advisory Commission on Marine and Coastal Resources created by the Act. The Plan, which is intended to provide the basis for long-term continuing legislative and administrative action, is required to contribute to the achievement of such specific objectives as the increased use of the mineral and living resources of the sea, the improvement of commerce and transportation, the wise use of coastal, tide, and submerged lands, the expansion of knowledge of the marine environment, the encouragement of California leadership in

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the marine sciences, the improvement of scientific capabilities in the development of marine resources, and maximum cooperation and coordination of state marine resources programs with other levels of government, other nations and the private sector. Establishment of the Commission, which will be composed of representatives of the academic, research, development, and marine law communities, both public and private—including the State Legislature—concerned with the conservation and orderly utilization of the resources of the marine and coastal environment, ensures that the broadest possible range of expertise will be brought to bear on the formulation and adoption of public policy in this vitally important and complex field on a continuing basis.

In addition to reviewing the interest and role of the State in the conservation and development of marine and coastal resources, and recommending the organization structure of state government which can most effectively carry out the provisions of the Comprehensive Ocean Area Plan, the Commission is charged with the responsibility of reviewing and recommending the appropriate legislative or administrative action relative to each specified element of the Plan, which include the effects of population growth and urbanization on the marine and coastal environment; land use in the coastal zone; the administration of tide and submerged lands; the conservation and utilization of the mineral and living resources of the marine environment; recreation; wastes management, water quality, and pollution control; water and power development, including use of nuclear energy; transportation and trade in the coastal zone and on the high seas; engineering and technology in the coastal and deep ocean environments; research and education; weather, climate, and the monitoring of oceanographic conditions; and social, economic, and legal matter relative to the conservation and utilization of ocean resources. To provide the Commission with the soundest possible basis for the evaluation of these Plan elements, the Act directs it to undertake a comprehensive investigation of all aspects of the marine sciences and the marine and coastal environment in and proximate to the State, including a review of the known and estimated future needs for natural resources from the marine and coastal environment necessary to maintain an expanding state economy, a survey of all existing and planned marine science activities in the State, and a determination of the surveys, applied research programs, and ocean engineering projects required to obtain the needed natural resources from the marine and coastal environment.

Within the context of the comprehensive state policy established by the Marine Resources Conservation and Development Act of 1967, utilization of the pelagic living resources are obviously a major consideration. Although it will be necessary to await the data required to be developed under the Act for a precise notion of the total significance of the living resources of the proximate ocean to the future of California, from all indications it is apparent that they represent a major underutilized resource. In

fact, testimony received by my Subcommittee revealed the curious situation that although California is among the leading commercial fishing states in the nation, the landings of fish in the State are trending steadily downward. This paradox persists in spite of the steady upward trend in the use of fish in the State, nation, and world as a source of cheap animal protein, and increasing research evidence suggesting the large underutilized fish resources in the California Current Area. Included among the many complex reasons for this situation are the restrictive state laws which are often based upon inadequate data or have been successfully pressed by conflicting interests among the commercial users themselves.

Sharing—and often conflicting with—the utilization of pelagic living resources by the commercial user is the sport fisherman, who as a member of the rapidly growing California public is increasingly demanding this recreational opportunity.

Complicating the existing and potential conflicts between the commercial and recreational users are the effects of uncontrolled growth on the living resources of the sea, such as those produced by irreversible modifications of the shoreline and bays by dredging and filling; the use of ocean areas for the disposal of municipal, industrial, and agricultural liquid and solid wastes; and the pollution and seismic explosions generated by offshore mineral and petroleum operations. Additional complicating factors are the retention by the Legislature of the power to regulate the taking of fish, and the intrusion of foreign fishing interests—legally or illegally—into California ocean fisheries.

In view of the tangled and complex nature of the obstacles to achieving just this one objective of the Marine Resources Conservation and Development Act—“...the increased utilization of...food and other living resources of the sea...”—it is clear that we have our work cut out for us. The problem is at once technical and political—with the achievement of political success clearly dependent upon a solid base of scientific and technical information. However, the Act provides the mandate—and the tools—to achieve both goals, by authorizing the inventory of harvestable fish population and associated ecologies and the determination of the methods of optimums long-term utilization, and requiring the recommendations for appropriate legislative and administrative action for the balanced conservation and utilization of the living resources of the marine environment.

Because the resources of the sea are largely public property, and not susceptible in any degree to private ownership and control, the responsibility of the Legislature as the direct representative of the people is clear. I believe that passage of the Marine Resources Conservation and Development Act of 1967 is solid evidence that we have taken the first step toward defining and protecting the public interest in the living resources of the sea, and in partnership with the spectrum of interests—public and private—we stand ready to take all the additional steps necessary to solve the legal, economic, sociological, and technological problems impeding their best use.