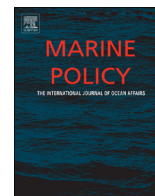




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Does the relationship between fishermen and enforcers impact regulatory compliance?

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ABSTRACT

The focus of US fisheries regulations has changed from expanding fishing effort to protecting resources for current and future use. Regulations, enforcement, and compliance have changed and grown over the last forty years. Members of both the enforcement and commercial trawl fishing communities speculate and complain about regulatory compliance, often from opposite perspectives. A small research project in Oregon studied the relationship between these communities and regulation compliance. Although a difference was noted in the relationships between the varied levels of enforcement and trawl fishermen, this did not constitute a shift in compliance; compliance remained high with participants from both communities reporting that the fishermen have “little choice but to follow the rules.” What varied was communication within and between these communities, and the amount of control participants felt they had in regulation development. A small glimpse into the relationships within and between these communities offers insights into the factors that may impact fisheries, regulation development and enforcement, and communication within and between these interdependent, occupational communities.

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1. Introduction

United States (US) fisheries regulations are designed to protect natural resources for current and future use. Yet both the enforcement community – the people responsible for making sure that regulations are followed – and the commercial fishing community – the people who harvest the resources to provide provisional ecosystem services (food and others) to the public – often complain about regulatory compliance and speculate on the reasons why this is the case; often from opposite perspectives. This small case study research project conducted in 2011 investigated if and how the relationship between regulation enforcers and commercial groundfish trawl fishermen in Newport, Oregon might impact compliance, as it is an area subject to continual improvement.

2. Background and context

Terms like the ‘race to fish,’ the ‘tragedy of the commons,’ and

the benefits and costs of ‘privatization’ are commonly heard in descriptions regarding US fisheries and fisheries management changes over the last four decades [1–4]. The Magnuson-Stevens Fishery Conservation and Management Act (MSA; the primary legislation guiding the management of the Nation’s fishery resources) has been reauthorized and amended various times since its first enactment in 1976. Initially the goal of the MSA was to transform the fishery off US shores from foreign control to a domestic industry; this was accomplished and resulted in the “industrialization” of some segments of the commercial fishing fleet (trawl). Yet another central goal of the MSA was to achieve long-term health and stability of the fisheries through the prevention of overfishing and the protection and restoration of fisheries through conservation and management (16 U.S.C. 1853(a)(1)(A)). Individual transferable quotas (ITQs, also known as rationalization or catch shares) were created to reduce effort and fishery overcapitalization. The role that ITQs might play in accomplishing fishery management objectives was an issue in the Congressional debate on reauthorization of the MSA, and it is currently the focus of research conducted by the National Oceanic Atmospheric Administrative (NOAA) and the National Marine Fisheries Service (NMFS) to evaluate social impacts from rationalization of the groundfish fishery [5]. One might infer that ITQs are the latest attempt by the government to intervene where the free market alone has failed, and the Pacific Fishery Management Council

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(PFMC) indicates that the objectives of the trawl rationalization plan are to increase net economic benefits, create individual economic stability, provide for full utilization of the trawl sector allocation, consider environmental impacts, and achieve individual accountability of catch and bycatch [6,7].

It is evident that when the MSA was reframed to include ten national standards for fishery conservation and management, and that National Standard 8 would highlight the importance of fisheries resources to fishing communities [8], the idea was to require resource managers to consider the social consequences that may follow from policy actions. In other words, there are likely benefits from gaining a better understanding of the human dimensions of fishery systems [9].

Commercial fisheries on the West Coast of the US have and continue to undergo considerable change. Most recently, a study by Matson [10] reported that the total number of non-whiting, groundfish trawl vessels with catch slightly declined between 2011 and 2014 (from 108 to 102 vessels). This is interesting because Washington, Oregon and California had large groundfish fleets (trawl and non-trawl vessels); between 1987 and 2000 over 11,000 vessels participated in the fishery [11] and revenue from the industry supported hundreds of jobs in coastal communities. Yet, the groundfish industry in Oregon peaked in the middle 1990s and accounted for about 40% of the state's total fisheries value [12]. However management of groundfish has proven to be challenging for the PFMC and fishermen alike [13,14] and in the late 1990s the groundfish industry began a coast-wide constriction caused by the cumulative effects of poor stock recruitment, decades of heavy fishing, and management mistakes. The PFMC sharply cut catch-levels in response. This led to the groundfish industry in Oregon experiencing crisis and in January 2000, the US Secretary of Commerce declared the West Coast groundfish fishery an economic disaster [15,16].

Trolling and trawling are the two most common gear types used in Oregon [17,18]. To earn enough to support a family, a trawler typically targets multiple fisheries and/or supplements their income with non-fishing jobs. Trawling, however, is a full-time job and until recently, could provide a comfortable family income targeting one or two fisheries (such as groundfish and shrimp) in the coastal community of Newport, Oregon, where this research was centered.

Newport is relatively dependent on fishing even though the economic structure of the community is somewhat diversified [17–19]. In 2010, over \$30 million was brought into the area from fish landings [20]. The groundfish trawl fleet is one of the prominent gear groups contributing to the overall economic benefit to the community. At the time of this study, there were 32 boats with trawl permits in Newport, but only about eighteen of them fish and home port out of Newport [21] and each boat typically has a crew of three people.

Groundfish landings in the Newport region have stabilized in recent years to be around 4.2 million pounds and \$5.8 million ex-vessel value for the region in 2012, and these figures increase an additional 14.9 million pounds and \$7.6 million if pink shrimp, a fishery typically targeted by the same trawl fishermen in the region, is considered [22]. Regulations are one of the biggest factors influencing fishing practices and landings, and the groundfish trawl fleet in Newport has communicated that it faces a high level of regulation [5].

Communication is at the heart of any relationship, and it means the sending, receiving, and assignment of meaning to verbal and nonverbal messages [23,24]. While communication between two people is challenging in itself, complexity increases as more groups and individuals become involved. Groups develop communication styles based on their history, culture, values, socio-economic status, and external conditions [23], and these factors

are often poorly understood by outsiders, and even by insiders. People and groups communicate in order to convey information and to persuade, and if persuasion works, it does so by meeting the needs of those being persuaded. Effective communication results in mutual understanding and positive outcomes for all parties involved, and communication of information has the ability to impact the relationship between and within groups of people in both positive and negative ways [25].

Commercial fishermen in Oregon rely on information to run their business [18] and if they do not receive the necessary information to run their business effectively and legally, the price of doing business increases in the form of costly fines and penalties that can even force the fishermen out of business. This, in turn, can create economic instability in the entire coastal community; service and supply businesses such as bait, net, and boat shops, canneries, processors, fuel stations, and even seafood consumers can be impacted [17,18].

One complication specific to the communication process regarding regulations is that fishing practices are regulated by multiple agencies depending on the fishery, the place, and the specific activity. In Oregon, “near shore” fisheries harvested in state waters (defined by zero to three nautical miles off shore) are regulated by Oregon Department of Fish and Wildlife (ODFW) and enforcement is provided by the Oregon State police (OSP). There are, however, exceptions and complexities. For example, the National Marine Fisheries Service (NMFS) is responsible for the federal regulation of groundfish and migratory species (salmon and tuna) regardless of where they are harvested, and the US Coast Guard (USCG) is the enforcement arm for fisheries and sea safety [26]. Table 1 displays the agency responsible for policy development and the associated agency responsible for enforcing the regulation.

Another complication in the communication process is that state and federal agencies communicate in different ways and varied communication practices create confusion and misinformation within the fishing community in Oregon [18]. Previous studies have investigated communication between fisheries managers and commercial fishermen in multiple ports (including Newport) and across gear types and fisheries, and have reported that fishermen feel hesitant and don't often enjoy working with fishery managers because they feel devalued and unimportant in the process of fisheries management [17,18,27]. Regulatory agencies are perceived as enforcing regulations differently and imposing different repercussions for similar infractions. State regulators answer to federal regulators when designing state rules. State regulations must meet minimum federal requirements, but can be more stringent. State regulators submit their plans at a federal level, and the federal government has the power to approve or ask for amendments [28,29].

The commercial fishing community is not homogenous and

Table 1
Entities responsible for regulation development and enforcement.

Regulation development	Federal regulation	State regulation	Federal/State safety regulation
NMFS	x		
ODFW		x	
USCG			x
Regulation enforcement			
NOAA	x		
OSP	x	x	
USCG	x		x

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