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**Coastal Aquaculture Law and Policy: A Case Study of California,  
Gerald Bowden**

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# COASTAL AQUACULTURE LAW AND POLICY: A CASE STUDY OF CALIFORNIA

GERALD BOWDEN

Boulder: Westview Press, Westview Special Studies in Agriculture/Aquaculture Science and Policy. 1981. Pp. 241. \$26.25.

The thesis of Gerald Bowden's *Coastal Aquaculture Law and Policy* is that laws developed for hunting and gathering use of marine resources may impede or preclude development of commercial marine aquaculture—farming of the sea. He weaves this basic conclusion through twelve essays designed to introduce the reader to federal and state regulation of aquaculture in California. His book is clearly designed for novice readers in both aquaculture and policy studies fields. Bowden has, therefore, adopted a readable, frequently conversational, writing style and accompanied each chapter with whimsical line drawings, thus imparting a pleasant leavening touch to a volume ominously bound in liver tones and black. The author has also made a useful, if occasionally superficial, effort to include relevant biological information as a basis for understanding policy and regulatory issues. Mussel toxicity would not, we are informed, be controlled by a directive to remove stomach and intestines which accompanies some other shellfish because the mussels' digestive organs are difficult to locate "in these colorfully meated animals."<sup>1</sup>

The chapters are designed to be independent of each other so that readers interested in a specific topic can find the basics in succinct, complete packages. Aquaculture is approached from several different perspectives: chapters focus on individual actors (state fish and game agencies and the Army Corps of Engineers<sup>2</sup>); general programs (water-pollution control and coastal zone planning<sup>3</sup>); and specific problems and topics in the aquaculture field (marine plant aquaculture and shellfish sanitation control<sup>4</sup>). The opening discussion of the coastal aquaculture industry is particularly interesting,<sup>5</sup> providing the neophyte with a quick rundown on commercial species and culture techniques.

As in most things in life, however, the book's principal virtues give rise to its principal defects. The author's breezy style frequently gives way to self-indulgent overwriting.<sup>6</sup> The free-standing essays result in

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1. G. BOWDEN, COASTAL AQUACULTURE LAW AND POLICY: A CASE STUDY OF CALIFORNIA (1981), at 123.

2. *Id.*, Ch. 3 and 8, respectively.

3. *Id.*, Ch. 5 and 6, respectively.

4. *Id.*, Ch. 4 and 7, respectively.

5. *Id.*, Ch. 1.

6. *See, e.g., id.* at 70 and 135.

patchy, repetitive or inadequate treatment of many key topics. For example, the Federal Water Pollution Control Act is treated extensively in the chapter devoted to water-pollution control<sup>7</sup> and reappears in the chapter on the Corps of Engineers.<sup>8</sup> The reader cannot easily integrate the material because there is no index. This surprising omission severely compromises the book's utility as an introductory volume.

Most troubling, however, is that the author appears to have become so involved with the cartoons and rhetorical flourishes that he has deserted his task as analyst and synthesizer. Bowden clearly has a point of view. This is legitimate, and it would be surprising if he were not a forthright advocate of aquaculture. However, he is unacceptably content to abruptly halt important discussions with jocular "one liners" that obscure rather than elucidate the issues he raises. The essay on marine plant aquaculture, for example, concludes with the observation that we have "screeds of law-regulating aquaculture" which have been adapted from practices designed to control hunting and gathering but no policy regarding mariculture "to weigh them against."<sup>9</sup> He also admits, without explaining, that there is no pressure from industry, such as it is, or anywhere else to change the law. "Plant mariculture shows great potential as a source of energy and raw chemical compounds," he avers, "and a compelling argument could be made for developing a policy designed to stimulate industrial research and development in marine plant husbandry."<sup>10</sup> Regrettably, beyond being in favor of mariculture, Bowden never attempts such an argument. He closes, instead, with the assertion that "this body of law is so atavistic [sic] as to resemble a time-warped Code of Hammurabi. . . . If you infer that we now regulate seaweed the way Captain Ahab might have regulated whale ranching, then you need read no further."<sup>11</sup> The author's frustration may be justified, but his failure to deal more lucidly with the issues he has raised is not.

The lack of analysis which characterizes the first 150 pages may have motivated the author to close with three dense chapters on boundary law, common property, and the economic costs of regulation. Unfortunately, the requisite rigor and clarity is absent from these chapters as well; although pedantic and less lively than the previous discussions, they are not insightful. Indeed, the "costs of regu-

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7. *Id.*, Ch. 5.

8. *Id.*, Ch. 8.

9. *Id.*, at 69.

10. *Id.*, at 70.

11. *Id.*

lation" discussion in Chapter 11<sup>12</sup> deals almost exclusively with actual expenditures of specific operators. Neither costs borne by others nor benefits to the public, the operators, and the consumer are analyzed. Although one might be willing to pursue Bowden's introductory discussions into the available literature, the author has not provided either a "Literature Cited" or a "Further Reading" section in the volume. These analytical and structural inadequacies seriously compromise his efforts to introduce and win converts for this fascinating and inadequately understood field of public policy.

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12. *Id.*, at 193-235.