



ASMFC

Fisheries *focus*

Volume 8, Issue 5
May 1999

Atlantic States Marine Fisheries Commission • 1444 Eye Street, N.W. • Washington, D.C.

ASMFC Explores States Role in Shark Management

During its Spring Meeting, the Atlantic States Marine Fisheries Commission will hold a policy workshop investigating the future role of the Commission and Atlantic coastal states in the management of shark resources in state waters. The policy workshop, to be held on May 19, 1999, will build upon the findings and recommendations of a Commission technical workshop, which was held on April 12 & 13 in Alexandria, Virginia. The purpose of the policy workshop will be for Commission member states and other interested parties to review and discuss options for Commission involvement in shark management. The Commission's Interstate Fisheries Management Program (ISFMP) Policy Board will review the results of both workshops later that week.

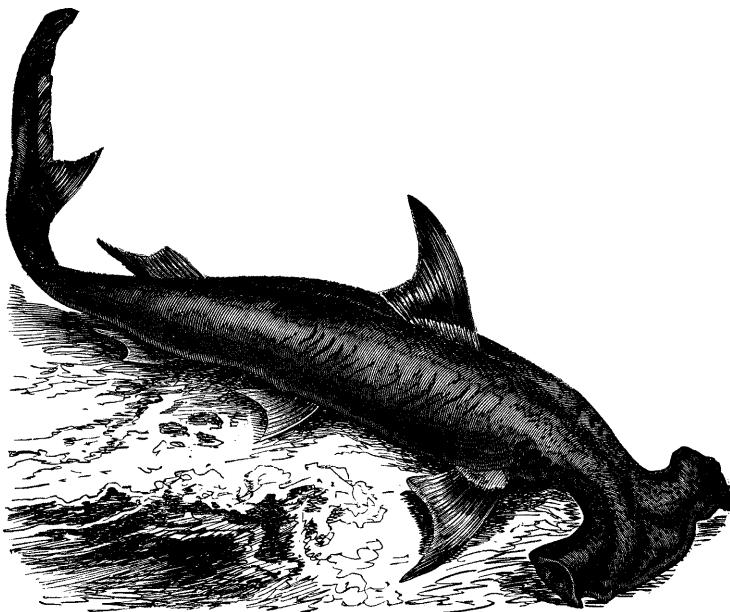
The impetus behind these workshops began in October 1998 when the ISFMP Policy Board requested that the Commission investigate and consider options relative to enhancing management of sharks in state waters. Currently, there is no Atlantic coast interstate fishery management plan (FMP) for sharks and individual state actions have been highly variable, ranging from stringent regulations in some states to no regulations at all in others. The National Marine Fisheries Service (NMFS) has managed shark fisheries in federal waters since 1993.

The main purpose of the April technical workshop was to explore options for the Commission's involvement in shark management. Participants included representatives from each of the Commission's member states, NMFS, and environmental organizations. During the technical workshop, state representatives presented information on their data collection and management programs pertaining to sharks. Based on those state summaries, workshop participants developed a prioritized list of issues important to the management of sharks. These issues were divided into three broad areas: data collection, research needs, and resource management. Specific issues included: improving both recreational and commercial landings estimates; increasing at-sea observer coverage; quantifying bycatch and discard mortalities; defining essential fish habitat; and developing complementary management regulations between state and federal management agencies.

A list of options was also developed for the Commission's involvement in shark management. These options ranged from no involvement by the Commission, to the preferred option to develop an Interstate Shark FMP. Additionally, workshop participants identified significant state specific issues to be addressed by any future Interstate Shark FMP. That list includes the protection of shark nursery areas, state closures (consistent with federal closures), state permits to retain sharks, allocation of the resource (historical basis for allocation, recreational vs. commercial, and state by state), smooth dogfish, enforcement issues, the quantification of shark bycatch in other state fisheries.

Regardless of what role the Commission takes in shark management, workshop participants unanimously supported continued coordination of state-federal management goals and objectives. It was also recognized that continued coordination is needed to improve data collection and research to support shark management.

The policy workshop will be held on May 19, 1999 as part of the Commission's Spring Meeting in Atlantic Beach, North Carolina. To obtain a copy of the technical workshop proceedings or to find more about the policy workshop, please contact: Dr. Lisa Kline, Director of Research and Statistics, at (202)289-6400 or LKline@asmfc.org.



The Atlantic States Marine Fisheries Commission was formed by the 15 Atlantic coastal states in 1942 for the promotion and protection of coastal fishery resources. The Commission serves as a deliberative body of the Atlantic coastal states, coordinating the conservation and management of nearshore fishery resources, including marine, shell and anadromous species. The fifteen member states of the Commission are: Maine, New Hampshire, Massachusetts, Rhode Island, Pennsylvania, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida.

Atlantic States Marine Fisheries Commission

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Upcoming Meetings

5/17 - 20:

ASMFC Spring Meeting Week, Royal Pavilion Resort, Atlantic Beach, North Carolina (see agenda on pages 7 & 8).

5/25 & 26:

Joint ASMFC Striped Bass Technical Committee and Stock Assessment Subcommittee, Baltimore, Maryland.

5/25 & 26:

Atlantic Coastal Cooperative Statistics Program (ACCSP) Biological Review Panel, Alexandria, Virginia.

5/26 & 27:

ACCSP Discard Prioritization Committee, Alexandria, Virginia.

5/26 & 27:

New England Fishery Management Council, Sheraton Plymouth, Plymouth, Massachusetts.

5/27:

ASMFC Shad Technical Committee, Baltimore, Maryland.

6/2:

ASMFC American Lobster Management Board, location to be determined.

6/3:

SEAMAP Trawl and Crustacean Workgroups, Charleston, South Carolina.

6/8 - 10:

Mid-Atlantic Fishery Management Council, Norfolk Airport Hilton, Norfolk, Virginia.

6/14 & 15:

Joint ASMFC Atlantic Herring Section/NEFMC Herring Committee, location to be determined.

6/14 - 18:

South Atlantic Fishery Management Council, Pier House, Key West, Florida.

6/22 & 23:

ACCSP Standard Codes Subcommittee, Tampa, Florida.

6/24 & 25:

ACCSP Operations Committee, Washington, DC.

6/24 - 30:

American Society of Ichthyologists & Herpetologists, Penn State University, State College, Pennsylvania; (814)863-5100.

We are continuing our look at the future through the lens of the Commission's new Strategic Plan. The plan contains seven goals:

1. Rebuild, restore and maintain Atlantic coastal fisheries through cooperative regulatory planning.
2. Strengthen cooperative research capabilities.
3. Promote and coordinate cooperative fisheries statistics programs.
4. Expand cooperation in law enforcement.
5. Enhance conservation, restoration and protection of fish habitat.
6. Promote responsible fisheries policies; and represent the interests of the states in national and federal forums.
7. Strengthen the operations, management and administration of the Commission's business affairs.

Last month we looked at the first three goals; this month we move on from there.

Goal 4: Expand cooperation in law enforcement.

How many times during the recent history of fisheries management have we all sat in meeting rooms and realized that we could not be successful without effective law enforcement? A major portion of meeting our law enforcement needs is securing sufficient resources, which we should each make a priority in communicating with our state and federal officials. But just as important is consistency and coordination, learning from each other, and integrating law enforcement into fisheries management decisions. We cannot print money at the Commission, but we can provide an opportunity for getting the most out of the limited law enforcement resources that the states have. We should also promote a close relationship between our state law enforcement personnel and their federal colleagues.

Goal 5: Enhance conservation, restoration and protection of fish habitat.

One of the most significant developments in the theory and practice of marine fisheries management over the past decade has been the increasing acknowledgement of

something that we have all implicitly understood – that productive fishery resources require healthy ecosystems. The Commission needs to continue to focus its efforts on education, outreach, and policy formulation. For example, although they have the fishery expertise, more often than not, state marine fishery agencies do not have the authority within their state governments to make decisions on fishery habitat issues. To be effective, we need to find better ways to strengthen communication and coordination between fishery managers and habitat managers, making sure that they understand what we are trying to do and how they can help. And we also need to seriously understand the role that habitat considerations should play in our own fishery management decisions.

We are all just beginning to explore what this means to fisheries management. It is unclear where this path will ultimately lead. However, life in the fisheries management world over the past decade has become much more compact. We used to think in terms of the effects of the proverbial butterfly flapping its wings on remote events. But more and more, some fisheries decisions look more like the sledgehammer making direct contact. Because things are more compact, we see more readily how decisions on habitat or other parts of ecosystems affect fisheries, including how fishery decisions affect other fisheries. Today, our analytical tools and data sources are limited, and our decision processes segregated. That will change in the future; and as always, we must either try to control the change, or let it control us.

Goal 6: Promote responsible fisheries policies; and represent the interests of the states in national and federal forums.

One of the great services that the Commission has provided over the years has been the promotion of responsible fisheries policies that are workable in bringing about effective government fisheries programs at the state and federal level. The Commission played a central role in the development and implementation of the Interjurisdictional Fisheries Act, the Saltonstall-Kennedy Act, the original Fishery Conservation and Management Act of 1976 and its many amendments, and the Atlantic Coastal Fisheries Cooperative Management Act. Through the

continued on page 4

From Executive Director's Desk (continued from page 3)

Commission, the states have influenced fisheries policy in every aspect of governmental activity. The policy challenges of the next few years are daunting: overfishing, individual transferable quotas (ITQs), science and research, statistics, law enforcement, overcapacity, subsidies, ecosystem management, aquaculture, marine protected areas, bycatch, user fees — the list will get longer. Drawing from their unique perspective, the states are in a position to provide leadership to the fisheries community at large as these issues are debated and solutions are sought.

Goal 7: Strengthen the operations, management and administration of the Commission's business affairs.

The Commission is a much different institution as a result of the growth and responsibility it has accepted in recent years. It is a much more complex organization to manage. Our own commitment to excellence, as well as our public responsibility as an instrumentality of the states, demands that we be administratively responsive to the needs of the member states and their constituents. It means organizing the business of the Commission so that decisions can be made and implemented effectively. It means conducting meetings in an atmosphere that promotes sound fisheries policy decisions. It means reaching out to the public so that the states can be responsive. It means making sure that people are notified of what is going on at the Commission; and that we reimburse travelers promptly and courteously. It means maintaining a staff that sets high standards for professionalism and service. And it means always being concerned about our future, and planning to meet our future needs.

Next: Bringing it all together – A Plan for the Future

NMFS Partially Disapproves Amendment 12

On April 28, 1999, the National Marine Fisheries Service (NMFS) notified the Mid-Atlantic Fishery Management Council (Council) that portions of Amendment 12 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan were disapproved. NMFS stated that the partial disapproval was based on national standards and other applicable laws.

NMFS disapproved the scup rebuilding schedule included in the Amendment, stating that the management measures in place are not adequate under the Sustainable Fisheries Act (SFA) guidelines. The SFA requires that for any overfished fish stock, a fishery management plan or amendment must be developed that includes a schedule to rebuild the stock that does not ex-

ceed 10 years. NMFS stated that the scup rebuilding schedule is unacceptably risk-prone given the general decline of the fishery and the risk-prone fishing mortality rate selected. The SFA requires that a fishing mortality rate be selected that will produce the maximum sustainable yield on a continuing basis, this rate is referred to as F_{msy} . The F_{msy} target that is included in the Amendment is $F=0.26$ (an exploitation rate of 20 percent). However the 27th Stock Assessment Workshop had suggested a more conservative fishing mortality target of $F=0.15$ (an exploitation rate of 14 percent). This caution is necessary to accommodate the greater uncertainty in the assessment of scup compared to other species where slightly less conservative fishing mortality targets have been acceptable. The uncertainty arises especially in the limited discard estimates.

The scup bycatch provision was also disapproved by NMFS due to being inconsistent with national standard 9. Measures in the Amendment do not reduce adequately bycatch or minimize bycatch mortality. SAW-27 advised reducing fishing mortality "substantially and immediately" and noted that reducing discard (especially in small mesh fisheries) would have the most impact in that regard.

On April 27, 1999, the Council began to address this issue at a workshop held by the Comprehensive Management Committee. The Committee is charged with investigating alternatives to address scup discard, such as gear modification and season/area closures.

NMFS also disapproved the portions of the Amendment that address fishing impacts on essential fish habitat (EFH) and options for managing adverse impacts from fishing. The Amendment suggested that several types of fishing gear have the potential to cause identifiable adverse impacts on EFH. NMFS stated that the Amendment lacks a complete assessment of the potential effects of the gears used in each fishery. NMFS supplied detailed guidance for bringing the EFH portions of the Amendment into compliance.

Amendment 12 was developed jointly by the Council and Commission during 1998. The Commission approved Amendment 12 last October at its Annual Meeting in Jekyll Island, Georgia. Therefore, based on the partial disapproval the Summer Flounder, Scup, and Black Sea Bass Management Board will need to readdress the Amendment and make the necessary changes to make the Commission's plan consistent with the Council's.

For more information, please contact: Bob Beal, Fishery Management Plan Coordinator, at (202) 289-6400.

NMFS Bans Atlantic Sturgeon Fishing in Federal Waters

On May 27, 1999, the National Marine Fisheries Service (NMFS) will extend bans on fishing for Atlantic sturgeon in federal waters from Maine to Florida to protect these severely depleted stocks until they recover. The action is in response to an Atlantic states coastwide sturgeon fishing ban in state waters that was started in 1998.

“This measure will ensure the entire stretch of the Atlantic sturgeon habitat is protected by complementary regulations that work toward rebuilding these stocks. Because the sturgeon population is so stressed, and since it can take more than 15 years for females to reach breeding age, it may take up to 40 years before these fish return to fishable numbers,” said Penny Dalton, NMFS Director.

The Atlantic States Marine Fisheries Commission is responsible for managing Atlantic sturgeon in state waters under the Atlantic Coastal Fisheries Cooperative Management Act. The Commission adopted *Amendment 1 to the Interstate Fishery Management Plan for Atlantic Sturgeon* in June 1998. The Plan is designed to restore Atlantic sturgeon stocks through an extended ban (of up to 40 years) on Atlantic sturgeon or parts such as caviar; close monitoring and control of Atlantic sturgeon bycatch in other fisheries; and coordinated hatchery efforts.

Fisheries biologists have incomplete population estimates for most east coast tributaries because so few Atlantic sturgeon remain. However, studies show that the largest remnant sturgeon population is found in the Hudson River where numbers of juvenile sturgeon have dropped from about 20,000 in the 1970s, to less than 5,000 in the 1990s. Atlantic sturgeon are an anadromous fish that can be found in ocean waters. However, as juveniles they live in rivers, and as adults ascend rivers to spawn.

NMFS officials expect the closure to have little effect on fishermen because few sturgeon are caught in federal waters, and the statewide fishing ban prevents landing the species in all Atlantic coast states. Currently, no commercial fishing targets the species and recreational anglers do not seek and rarely catch Atlantic sturgeon incidently.

NMFS considered a petition to list Atlantic sturgeon as an endangered species in 1998. However, because Atlantic sturgeon can still be found in many east coast rivers, and some sturgeon numbers are rising under state closures, the agency decided a fishing ban in federal waters is the best approach to rebuilding the stocks.

Anglers who incidentally catch Atlantic sturgeon should immediately release them back to the water, and scientific researchers conducting studies on Atlantic sturgeon in federal waters will need a research permit from the fisheries service.

The Atlantic sturgeon stocks in the United States have been depleted since the turn of the century. Atlantic sturgeon are classified under an ancient family of bony fish and were prized by fisherman for their flesh, and for their eggs which were sold as caviar. Sturgeon caviar found on grocery store shelves today is imported from overseas or from west coast aquaculture operations. Atlantic sturgeon can grow to six to eight feet in length and weigh up to 600 pounds.

During the early 1990s, as many as 200,000 pounds of Atlantic sturgeon were still being landed by commercial fishermen each year. However, a drop in commercial landings and studies showing population declines in some east coast rivers caused the Commission to call for the state closures and request complementary action from NMFS.

Workload constraints have prevented the federal fishery management councils in New England, the Mid-Atlantic, and the South Atlantic from developing formal fishery management plans for Atlantic sturgeon. In the absence of federal fishery management plans, the Atlantic Coastal Fisheries Cooperative Management Act allows the Secretary of Commerce, through NMFS, to implement regulations in federal waters that complement Commission management in state waters.

For more information on federal actions, please contact: David Miller, NOAA Constituent Contact, at (202)482-6090. For more information on the Commission's plan, please contact: Dieter Busch, ISFMP Director, at (202)289-6400, ext. 316.



ASMFC Travelers Take Note: Reimbursable Mileage Rate Has Changed

For all reimbursed ASMFC travelers, the reimbursable rate for privately owned automobiles has decreased from 32.5 cents a mile to 31 cents. This became effective April 1, 1999 and should be reflected on all submitted travel vouchers to the Commission for any travel occurring on or after April 1. For more information, please contact: Laura Leach, Director of Finance & Administration, at (202)289-6400, ext. 306.

ASMFC Establishes an Internet Presence at www.asmfc.org

On May 5, 1999, the Atlantic States Marine Fisheries Commission announced the availability of its website at www.asmfc.org. The website, which was over a year in the making, provides a full overview of the Commission -- its overall mission, programmatic areas, upcoming meetings and events, publications, and staff and member state contacts.

"The Commission has waited a longtime to establish a presence on the worldwide web and we are very excited about the opportunities this creates for the Commission, our member states and our diverse constituencies," expressed John H. Dunnigan, Executive Director of the Commission. Mr. Dunnigan continued by stating that, "The pace at which the Commission operates today and our commitment to providing as great a level of public access to and participation in the Commission have collectively driven us to get on the information superhighway."

The intent of the webpage is to provide our partner agencies and the general public with greater and easier access to who and what the Commission is. In addition to providing an overview of the Commission's mission, programmatic areas, upcoming meetings and events, publications, and staff and member state contacts, the webpage also allows for easy access to documents that are currently available for public review and comment through its Public Input page. There are also plans in the future to have an interactive component of the webpage which will allow a free flow of discussion on Atlantic coastal fisheries issues.

Commission staff encourages you to visit our website at www.asmfc.org and share with us your comments and feedback. For more information, please contact: Tina Berger, Public Affairs & Resource Specialist, at 920)289-6400 or tberger@asmfc.org.



List of Fisheries and Gear Will Protect Fish Stocks and Habitat

Effective July 26, 1999 in the exclusive economic zone (EEZ), no person or vessel will be allowed to use fishing gear or participate in a fishery that is not included in the List of Fisheries and Gear, and Notification Guidelines. This list was developed in response to requirements under Section 305(a) of the Magnuson-Stevens Fishery Conservation Management Act (Magnuson-Stevens Act). The Magnuson-Stevens Act requires that fisheries and fishing gear be listed for those fisheries under the authority of each regional Fishery Management Council, or under the authority of the Secretary of Commerce with respect to Atlantic highly migratory species. The Magnuson-Stevens Act also requires that guidelines be issued to determine when a fishing gear or fishery is sufficiently different from those listed as to require notification to the Council or Secretary of Commerce. These regulations apply to U.S. EEZ, which includes the waters between 3 and 200 miles offshore.

Previously, individuals could fish for species using any gear type that was not expressly restricted or forbidden. The new regulations list all fisheries and gear types that are managed under the Councils' geographic jurisdiction or by the Secretary of Commerce, which also includes fisheries and gear types that are not managed under a fishery management plan. If the fishery or gear type is not listed, an individual should refer to the guidelines to determine if the new fishing gear or fishery is sufficiently different from those listed as to require notification to the Council or Secretary. If the unlisted fishery or unlisted gear is found to be sufficiently different, notification must be received 90 days in advance of intended use or participation. The Council will have 90 days to determine if the new gear or fishery would compromise the effectiveness of conservation and management measures of the Magnuson-Stevens Act. If so, the request for use of gear or participation in the fishery will be denied.

This list of gear and fisheries takes a more proactive approach to protecting fish stocks and associated fish habitat. From now on, the onus will be placed on the individual to demonstrate that his or her fishing gear or fishery does not undermine the conservation and management measures of the Magnuson-Stevens Act.

A copy of the final rule, including the list of fisheries and gear, can be obtained at the following site: <http://www.nmfs.gov/sfa/prorules.html>.

ASMFC 1999 Spring Meeting Week

May 17-20, 1999
Royal Pavillion Resort
Atlantic Beach, North Carolina

AGENDA

Monday, May 17, 1999

10:00 a.m. - Noon **Winter Flounder Management Board**

- Stock assessment update
- Update of recent NEFMC actions
- Identification of topics to be addressed under Amendment 1

10:00 a.m. - Noon **Management and Science Committee: Regulatory Discards Subcommittee**

1:00 p.m. - 3:00 p.m. **Atlantic Herring Section**

- Review/approve state plans to implement Amendment 1
- Update of recent NEFMC Herring Oversight Committee discussions
- Discussion of potential changes to management measures for year 2000

1:00 p.m. - 5:00 p.m. **Management & Science Committee**

- Approve Long-term Coordination of Nearshore Trawl Surveys
- Approve Coordinated Tagging Program
- Stock Assessment Peer Review Process Update
- Discussion of Standard Compliance Reports

3:00 p.m. - 6:00 p.m. **Legislative Committee**

- Review of 106th Legislation/Develop Positions
- Federal Appropriations for Fiscal Year 2000
- Discussion of Fishable Waters Act*
- Sport Fish Restoration Fund (Wallop/Breaux) Accounting Issue*

*Joint discussion with Sport Fish Restoration Committee – 5:00 p.m. - 6:00 p.m.

5:30 p.m. - 8:00 p.m. **Sport Fish Restoration Committee**

- Status of Fishable Waters Legislation*
- Wallop-Breaux Issues*
Legislative "Fix" for Boating Safety Account
Sport Fishing and Boating Foundation

- ASMFC Strategic Plan - Sport Fish Restoration Elements
- National Artificial Reef Plan

*Joint discussion with Legislative Committee

7:00 p.m. - 9:00 p.m. **Awards Committee**

- Review Nominations for the Captain David H. Hart Awards

Tuesday, May 18, 1999

8:00 a.m. - 10:00 a.m. **Tautog Management Board**

- Review State Compliance
- Discuss Coastwide Stock Assessment; Timeline & Review
- Discuss Possible Improvements to Management Plan

8:00 a.m. - 10:00 a.m. **South Atlantic State-Federal Fisheries Management Board**

- SEAMAP/NEMAP
- Species Status Updates

8:00 a.m. - 5:00 p.m. **Management & Science Committee (continued)**

10:00 a.m. - 1:00 p.m. **Atlantic Coastal Cooperative Statistics Program Coordinating Council**

- Reports of the Finance Subcommittee and the Operations Committee
- Approval of ACCSP 2000 Operations Plan
- Update on Implementation Meetings
- Discussion and Approval of ACCSP Funding Decision Process

1:00 p.m. - 3:00 p.m. **Atlantic Menhaden Management Board**

- Review & Approve 1999 Atlantic Menhaden Advisory Committee Report
- Review & Approve Internal Waters Processing Applications for 1999-2000

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ASMFC 1999 Spring Meeting Week (continued from page 7)

Tuesday, May 18, 1999 (continued)

- Review & Approve Draft Public Information Document

1:00 p.m. - 5:00 p.m. **Law Enforcement Committee**

- Update on Striped Bass Enforcement Report
- Update on LEC Members on Fisheries Management Boards and Members' Report
- Report on ISSC Enforcement Program/Biloxi Meeting
- Future Direction of LEC (short and long term)

3:00 p.m. - 5:00 p.m. **Summer Flounder, Scup and Black Sea Bass Management Board**

- Review Progress on Tasks Forwarded to the Summer Flounder, Scup, and Black Sea Bass Technical Committee
- Discuss Amendment 13 to the Summer Flounder, Scup, and Black Sea Bass FMP
- Discuss Scup Issues

6:00 p.m. - 7:30 p.m. **ANNUAL AWARDS OF EXCELLENCE RECEPTION**

Wednesday, May 19, 1999

7:30 a.m. - 9:00 a.m. **Legislators and Governors' Appointees**

- Discuss New State Delegation Caucus Voting System
- Discuss Agenda for August 1999 Legislators Meeting

8:00 a.m. - 5:00 p.m. **Law Enforcement Committee** (continued)

9:00 a.m. - 10:00 a.m. **Summer Flounder, Scup, and Black Sea Bass Management Board** (continued)

10:00 a.m. - Noon **Shark Policy Workshop**

Participants: This is an open workshop for discussion of the Commission's role in shark management. Commissioners, Management and Science Committee members, South Atlantic Board members, and others interested in shark management are encouraged to attend.

- Review of Shark Technical Workshop Report
- Update on Highly Migratory Species (HMS) plan
- Facilitated Discussion and Develop Recommendations

1:00 p.m. - 3:00 p.m. **Administrative Oversight Committee**

1:00 p.m. - 4:00 p.m. **Advisory Committee**

- Review of Advisory Panel Process
follow-up on advisor/board expectations memorandum
- Review of Draft ASMFC 1999 Action Plan
- Revisit Menhaden Discussion (Species Interactions)
- Discuss Possible Changes to the Advisory Committee Charter

1:00 p.m. - 5:00 p.m. **Habitat Committee**

- Report of the Submerged Aquatic Vegetation Implementation Subcommittee
- Approve Habitat Strategic Plan
- Fishable Waters Act Update
- Review of ASMFC Position on Clean Water Act

6:00 p.m. - 8:00 p.m. **Horseshoe Crab Management Board**

- Technical Committee Update on State Management Proposals
- Update on FDA Enforcement Procedures for Biomedical Companies
- Recommendations for EEZ

Thursday, May 20, 1999

8:00 a.m. - Noon **ISFMP Policy Board**

- FMP Status and Review
- Report on Crab Imports
- Review of Pilot Program on ISFMP Voting Procedures
- Stock Assessment Prioritization
- Presentation of the Findings and Recommendations of the Shark Workshop

1:00 p.m. - 3:00 p.m. **Executive Committee**

- Report of Administrative Oversight Committee
Strategic Plan Update/Action Plan
Approval of 1999/2000 Budget
- Future Annual Meetings
- Litigation Update
- Report of Management and Science Committee
Approval of Coordinated Fisheries-Independent Program
Approval of Coordinated Tagging Program

3:00 p.m. - 4:00 p.m. **Business Meeting** (If Necessary)

Atlantic Menhaden Advisory Committee Meets; Reviews Stock Status

The Atlantic Menhaden Advisory Committee (AMAC) held its annual review meeting, April 21 & 22, in Raleigh, North Carolina. AMAC reviewed the stock assessment prepared by the National Marine Fisheries Service (NMFS) Beaufort Laboratory Menhaden Team, and ancillary data provided by state fisheries personnel and members of the public in order to evaluate the status of the stock. As part of the annual review process, AMAC makes recommendations to the Menhaden Management Board concerning Internal Waters Processing (IWP) requests for the upcoming fishing year and reviews changes in state/federal regulations which may affect the fishery and the resource. Based upon this yearly evaluation, AMAC is charged with forwarding regulatory recommendations to the Board when necessary.

Although the report is still in draft form, some of the highlights include: (1) recent (1996-97) recruitment estimates have risen

above the trigger level; (2) spawning stock biomass continues to be near all-time high levels; and (3) landings in the reduction fishery were higher than expected considering the decrease in the number of vessels (from 22 to 15) operating in the Atlantic coast fishery. Concern was again voiced by the public for the health of the Chesapeake Bay region, where the majority of the reduction fishery operates.

Copies of the draft AMAC report will be available from the Commission in mid-May. The report will be finalized upon approval by the Board during the Commission's Spring Meeting in Atlantic Beach, North Carolina.

For more information please contact: Dr. Joseph C. Desfosse, Menhaden Fishery Management Plan Coordinator, at (202)289-6400.

Atlantic Herring Update

Amendment 1 to the Atlantic Herring Fishery Management Plan received final certification this past January from the Commission's Atlantic Herring Section. Amendment 1 was developed to provide complementary management measures in state waters to the New England Fishery Management Council's (NEFMC) Atlantic Herring FMP, which has been submitted by the Council for approval. All states with a declared interest in Atlantic herring were required to submit proposals for implementing Amendment 1 by April 1, 1999. The Commission's Plan Review Team (PRT) will review the state proposals and report to the Section on their adequacy during the Commission's Spring Meeting in Atlantic Beach, North Carolina.

The PRT will meet during a joint New England Fishery Management Council (Council) Plan Development Team/Commission Technical Committee meeting on May 6, 1999 at the New England Council office from 9:30 A.M. - 5 P.M. Topics scheduled to be discussed include spawning closure issues such as state implementation of measures, federal closure boundaries and dates; development of total allowable catch set-aside alternatives; and further discussion of specifications for next year among other items. The Council PDT/Commission Technical Committee will report to the joint Commission Atlantic Herring Section/Council Herring Committee at its next meeting,

tentatively scheduled for June 14 & 15. All of these meetings are open and the public will be afforded the opportunity to comment.

The next meeting of the Atlantic Herring Advisory Panel is scheduled for May 13, 1999, at the Holiday Inn in Peabody, Massachusetts. Major topics for discussion at that meeting include development of recommendations pertaining to limited entry or controlled access, and the establishment of a control date in the Atlantic herring fishery. The Panel's report will be presented to the joint Section/Committee meeting in June. For more information, please contact: Dr. Joseph C. Desfosse, Atlantic Herring Fishery Management Plan Coordinator, at (202) 289-6400.



AFS Publication on Fish Habitat Now Available

The American Fisheries Society (AFS) in April published a new book entitled "Fish Habitat: Essential Fish Habitat and Rehabilitation." This book, edited by former Sea Grant Fellow (and current ASFMC Fisheries Specialist) Lee Benaka, is the proceedings of a day-and-a-half-long Sea Grant-sponsored symposium on fish habitat held at the AFS's 1998 Annual Meeting in Hartford, Connecticut.

"Fish Habitat: Essential Fish Habitat and Rehabilitation" is the first major publication to discuss recent fish habitat research in light of the essential fish habitat (EFH) provisions of the Magnuson-Stevens Fishery Conservation and Management Act. The book describes innovative fish habitat research that has been conducted by Sea Grant-funded researchers, National Marine Fisheries Service (NMFS) scientists, and other experts in various parts of North America and the United Kingdom.

The 27 chapters in "Fish Habitat: Essential Fish Habitat and Rehabilitation" describe:

- challenging issues of EFH identification;
- fishing gear impacts to fish habitat;
- impacts of non-fishing activities, including forest clearing and oil spills, on fish habitat;
- fish habitat creation and conservation in the Great Lakes; and
- marine fish habitat restoration.

Other contributors of first-rate fish habitat studies to the book include:

David Packer and Tom Hoff, who describe the habitat parameters of Mid-Atlantic summer flounder;

Kenneth Able, who analyzes juvenile fish habitat quality in New Jersey estuaries;

Judith Pederson and Madeline Hall-Arber, who present New England fishermen's perspectives on fish habitat;

Anthony Wilbur and Michael Pentony, who describe human-induced non-fishing threats to habitat in New England;

Joseph DeAlteris et al., who compare impacts to fish habitat from natural process to impacts from fishing gear off Rhode Island;

Michele Dionne et al., who analyze fish utilization of restored and created salt marsh habitat in the Gulf of Maine; and

Loren Coen et al., who discuss the role of oyster reefs as fish habitat.

Fish Habitat: Essential Fish Habitat and Rehabilitation can be ordered from the AFS by calling 412/741-5700. The hardcover, 459-page book costs \$34 for AFS members and \$55 for non-AFS members. You can learn more about this book by visiting <http://www.fisheries.org/publications/AFSBooks/webfinal/x540.22.htm>.

American Eel Public Hearing Document Available for Public Comment

The Draft American Eel Fishery Management Plan is now available for public comment. Public hearings will be held throughout June in most Atlantic coast states, although no dates have been set yet. A copy of the document can be obtained by contacting Jeanette Braxton, Administrative Assistant, at (202)289-6400 or via the Commission's webpage at www.asafc.org. The public comment period extends until July 16. Comments can be forwarded to Dr. Joseph Desfosse, Interim American Eel Fishery Management Plan Coordinator, at 1444 Eye Street, N.W., Sixth Floor, Washington, D.C. 20005.

In Search of Pictures of Fish and Fishing

Do you have any great pictures (photographs or slides) of fish or fishing activities that you are willing to donate/lend to the Commission? We are in desperate need of some really good pictures of fish and fishing activities. These pictures would be used in our newsletters and other publications.

If you have any that you are willing to donate or lend to the Commission, please send them to Tina Berger, Public Affairs & Resource Specialist, at 1444 Eye Street, N.W., Sixth Floor, Washington, D.C. 20005. Originals will be returned upon request and you will receive photo credit whenever your picture is used.



NMFS Issues First Comprehensive Fishing Rules for Atlantic Migratory Fish

After six months of highly charged public debate about saving Atlantic stocks of migratory fish, the Commerce Department's National Marine Fisheries Service (NMFS) has issued a set of plans to rebuild these highly migratory species, and at the same time give fishermen the chance to make a living or pursue their passion for sport.

The two documents started as draft plans in October 1998 and have been modified to reflect updated scientific analyses as well as input from commercial fishermen, recreational anglers, and environmental organizations. The proposals faced significant public scrutiny during 27 public hearings and caused more than 5,000 people and organizations to submit suggested changes to current fishing practices or protection measures. NMFS has modified the final plans to reflect much of the public input.

"In an atmosphere of intensely competing interests, we have crafted what we think is a fair reflection of the public's wishes, while at the same time never losing sight of our goal to rebuild these species," said Terry D. Garcia, the Commerce Department's Assistant Secretary of Commerce for Oceans and Atmosphere.

Garcia emphasized that domestic measures alone cannot save these species, and that U.S. fishermen are often responsible for only a small share of the fishing mortality. He placed importance on international cooperation when trying to achieve sustainable fishing practices around the globe. "The United States must work together in the international forum with the 25 other countries that also harvest these stocks. Last year we fought for and won a strong international rebuilding plan for Atlantic bluefin tuna, and we expect to do the same thing this year with swordfish to rebuild these stocks in ten years."

Atlantic highly migratory species of tunas, swordfish and billfish are managed through the International Commission for the Conservation of Atlantic Tunas, a group of 25 member countries that meets annually in Spain to exchange science, determine stock status, and set quotas.

Garcia said that one issue remains to be addressed -- to protect juvenile swordfish through closed fishing areas at certain times of the year. "We will establish a closed area to protect juvenile swordfish later this year, after we consult further with constituent groups and independent advisors who have asked us to expand the size of the protected area the agency had initially proposed."

"Fishermen and others asked for more effective regulations, and we've delivered by adjusting the rules to better meet the needs of recreational fishermen, and placing restrictions on some previously open commercial tuna fisheries," said Penny Dalton, Director of NMFS. "We can achieve more robust migratory

fish stocks through these plans. These regulations are designed to improve conservation measures and make commercial harvest more efficient."

The plans look to reduce bycatch, or the incidental catch of one migratory species when fishermen are targeting another. Largely a problem in commercial longline fisheries, NMFS is reducing bycatch through temporary closed areas, changes to fishing gear, education, and limited access which caps the number of fishermen to those who have recently landed fish. Commercial longlining targets certain species of swordfish, tuna, and shark using baited, evenly spaced hooks attached to fishing line that runs five to 40 miles long.

For the recreational billfish fishery, NMFS has responded to anglers' concerns and dropped the proposed one-fish-per-vessel-per-trip catch limit, and will use a minimum size limit to meet stock rebuilding requirements. Anglers typically release more than 90 percent of the billfish they catch.

"The change from bag limits to a minimum size should be just as effective, but if our data show stock levels continuing to decline, we will raise the minimum size requirement to meet conservation objectives," said Dalton.

Considerable attention has been placed on whether to allow the use of spotter planes in the commercial bluefin tuna fishery. The independent panel that advises NMFS on the management plans has recommended that their use be limited to the Atlantic bluefin tuna purse seine fishery. NMFS is currently conducting a study of this practice and will propose regulations in the near future.

For the first time, yellowfin tuna will be closely monitored in both the commercial and recreational fisheries because agency managers consider the resource is fully fished and want to protect it from further fishing pressure. The number of commercial longliners allowed to harvest Atlantic yellowfin tuna will be capped to current permit holders. A bag limit of three fish per person per day was set for recreational anglers as a proactive measure to reduce the likelihood of overharvest. Fisheries estimates indicate that average recreational fisherman catches less than three yellowfin a day.

To protect and aid in rebuilding Atlantic bluefin tuna, managers also have adopted a time and area closure for the month of June in federal waters off the coast of New Jersey that will cut in half the number of undersized bluefin tuna that longline fishermen must discard. The 21,600 square mile area was modified

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Atlantic Coastal News Bites



Harbor Porpoise Mortality Event. Between early March and mid-April 1999, at least 162 harbor porpoise have been reported dead along the Atlantic coast between North Carolina and Maine. Mortality appears to have declined sharply since mid-April. This is more than triple last year's total mortality of 51 animals. Cause of the mortality has not been determined. The National Marine Fisheries Service, the Smithsonian Institution, Duke University, and other institutions are planning to convene a workshop to review this event in early June 1999. [Baltimore Sun]

Georges Bank Scallops. On April 14, 1999, the New England Fishery Management Council voted to allow scallopers to resume fishing in one of the three sections of Georges Bank that had been closed for five years. Under the recommendation, scallopers would be able to make three trips between July 1 and Dec. 31, 1999 to the lower half of Closed Area II, and observers would be aboard selected vessels to monitor yellowtail flounder bycatch. Trip limits of 10,000 pounds of scallops would be imposed, and a 3,000 square mile buffer zone around the reopened area would expand closed waters. Altogether, scallopers would be allowed to catch 9.4 million pounds from the area. [Boston Herald, Boston Globe]

New NMFS Administrator. On April 7, 1999, Secretary of Commerce William M. Daley announced that former Senate Commerce Committee staff member, Penny Dalton had been named the National Oceanic and Atmospheric Administration's (NOAA) new Assistant Administrator for Fisheries, replacing Rolland Schmitt, who was appointed Deputy Assistant Secretary for International Affairs for NOAA. [NOAA press release]

Atlantic Shark Commercial Fishery Closure. On March 31, 1999, the National Marine Fisheries Service will close the Atlantic large coastal shark commercial fishery, estimating that the first semiannual quota of 642 metric tons will be landed by that date. [NOAA press release]

Swordfish Imports. On March 16, 1999, the National Marine Fisheries Service published final regulations prohibiting the sale and import of undersize (less than 33 pounds dressed weight) north Atlantic swordfish, implementing a 1995 recommendation of the International Commission for the Conservation of Atlantic Tunas. Certificates of eligibility will be required for every imported swordfish, identifying ocean of origin and flag of fishing vessel. These regulations will be enforced beginning June 17, 1999, after an outreach program to inform importers, exporters, and government officials of exporting nations. [Federal Register, NOAA press release]

North Atlantic Right Whales. On March 16, 1999, a report by scientists from Woods Hole Oceanographic Institution and the University of Massachusetts was published in the Proceedings of the National Academy of Sciences indicating that North Atlantic right whales are dying at a faster rate (about seven percent of the population each year) than they can reproduce, bringing the population closer to extinction. [Canadian Press]

Italy and Driftnet Sanctions. On March 5, 1999, the U.S. Court of International Trade ruled that the Secretary of Commerce had violated U.S. law by failing to identify Italy as an illegal driftnetting nation despite evidence of large-scale driftnetting by Italian vessels. On March 15, 1999, the Secretary of Commerce identified Italy as an illegal driftnetting nation. If negotiations to end Italian large-scale driftnetting are not successful by July 15, 1999, the United States would impose sanctions against Italian fish and fish products. [Humane Society of the United States press release, NOAA press release]

Maine Elver Fishery. An emergency measure passed the House on March 4, 1999, and the Senate on March 9, 1999, that would reduce the number of fyke nets used in the elver fishery by 70 percent or more and issue 64 percent fewer elver fishing licenses. Governor King was expected to sign the measure on March 11, 1999. [Bangor Daily News, Associated Press]

SAFMC Grouper Ban. On March 1, 1999, the South Atlantic Fishery Management Council's two-month ban on harvest and sale of black grouper, gag grouper, and red porgy went into effect to protect spawning aggregations of these species. This ban is scheduled annually for the next 10 years to allow overfished stocks to recover. [Carteret News-Times]

The above information was downloaded from HDRFISH@listserv.tamu.edu, a service of the Human Dimensions in Recreational Fisheries Committee of Texas A&M University, Wildlife and Fisheries Department.

NMFS Issues First Comprehensive Fishing Rules for Atlantic Migratory Fish (continued from page 11)

to reflect fishermen's concerns about safety and economic impact. NMFS chose to temporarily postpone establishing a similar closed area to protect juvenile swordfish in order to consider additional scientific data and public comments, and consider a larger, more effective area.

"Time is of the essence when it comes to protecting overfished swordfish, but we feel a short delay to consider updated analyses and public comments will give us an area that, in the end, is more effective at protecting small swordfish until they have a chance to mature and spawn," said Dalton. "With input from our advisory panel, we expect to have the larger area in place by September 1."

Among the other improvements:

1. To comply with reduced billfish catch limits, recreational anglers asked the agency to adjust the minimum size limits rather than limiting the number of billfish that can be kept; and implement a voluntary charter vessel observer program rather than a mandatory program. NMFS adopted these changes and will be able to switch to a mandatory observer program if needed data cannot be collected voluntarily. Managers will assess the effectiveness of the voluntary program in the annual report that will be completed by January 2000.
2. Fisheries managers acted on the request of recreational anglers to adjust limits on retention of coastal sharks. Fishermen are prohibited from retaining 19 shark species because they are considered overfished. NMFS set the recreational catch limit to one shark per vessel per trip with a minimum size of 4.5 feet for any species not on the prohibited list. In addition, it allowed a provision for one Atlantic sharpnose shark per person per trip. NMFS has also established species-specific commercial quotas for porbeagle sharks and blue sharks. Consistent with requests from both commercial and recreational fishermen, NMFS has dropped its proposal to place blue sharks on the prohibited list.
3. The independent advisory panel had requested agency managers establish a basis under ICCAT (International Commission for the Conservation of Atlantic Tunas) for negotiating fish stock rebuilding programs for Atlantic swordfish, bluefin tuna, bigeye tuna and billfish, and counting bycatch that is discarded dead against the total allowable catch quota. These proposals are formalized under this plan.
4. In order to prevent the development of a pelagic driftnet fishery, the agency will ban the use of driftnets to catch tuna. A similar ban for swordfish has been in place since January 1999.

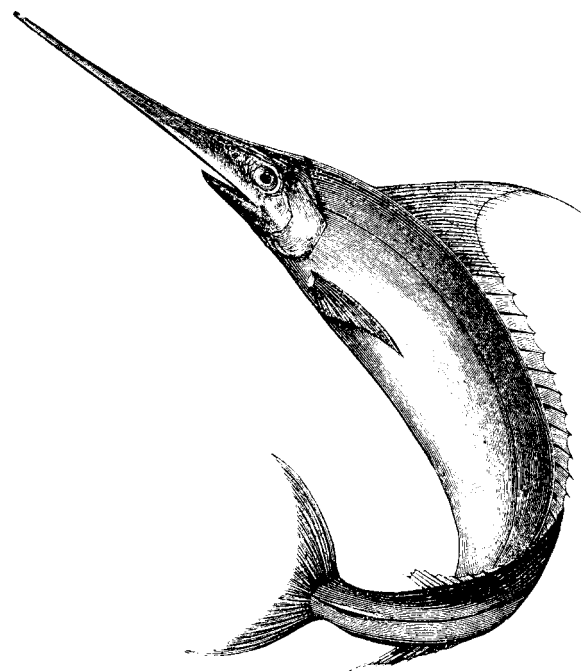
5. For all highly migratory species, managers adopted voluntary rather than mandatory educational workshops for both recreational and commercial fishermen, and voluntary observer programs for charter boats.

The final rules also reflect public support for dozens of other unchanged elements of the two proposals.

The species managed by these plans include Atlantic bluefin, bigeye, yellowfin, albacore, and skipjack tunas, Atlantic swordfish and 72 species of sharks. The billfish include blue marlin, white marlin, sailfish and longbill spearfish.

Western Atlantic bluefin tuna, Atlantic bigeye tuna, Atlantic albacore tuna, North Atlantic swordfish, Atlantic blue and white marlins, and the 19 species that comprise the large coastal shark management group have been identified as overfished. Overfishing is exacerbated by the fact that the United States harvests most of these stocks with some 25 other fishing countries and is often responsible for only a small share of the Atlantic wide fishing mortality for these species. Quotas for many of these species are established by ICCAT, which meets annually in Spain.

For a complete list of the rules, the interim changes to the rules, and a fact sheet outlining those changes, view the agency's Web site at www.nmfs.gov/sfa/hmspg.html. For more information, please contact: Susuan Weaver, NOAA Constituent Contact, at (202)482-2610.



ASMFC Comings & Goings

Eric C. Schwaab -- In early April, Eric C. Schwaab became Maryland's new administrative representative to the Commission, replacing Dr. Robert Bachman. In March 1999, Mr. Schwaab became Director of the Fisheries Service for Maryland's Department of Natural Resources, where he has been appointed to lead the effort to conserve and enhance Maryland's fishery resources.

While new to the Commission, Mr. Schwaab has worked for the Maryland Department of Natural Resources since 1983, most recently as Director of its Forest, Wildlife and Heritage Service and Director of its Forest Service before that. Mr. Schwaab brings to the Commission a long history of natural resource management and we welcome the expertise he brings to the Commission.

John Field – On April 23, 1999, John ended his tenure at the Commission to begin working for the U.S. Fish & Wildlife Service in Arlington, Virginia. John first began

working for the Commission in February 1994 as Striped Bass Coordinator. In this position, John helped complete Amendment 5 to the Striped Bass Plan and introduce the Striped Bass Advisory Panel into the management board's decision making process. In 1995, he was promoted to the position of Anadromous Species Coordinator. In this position, John helped develop interstate fishery management plans for Atlantic sturgeon, American eel, and shad and river herring. In March 1999, John was promoted to Assistant Director for ISFMP.

In his new position, John will be working for the U.S. Fish & Wildlife Service on CITES (Convention for the International Trade of Endangered Species) issues. On a personal note, John and his wife Dana are expecting their first child this June. The Commission would like to wish John the very best, not only with his new position but also with his new family.

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