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Weakfish Recovery Continues *Preliminary Stock Assessment Results Point to Marked Improvements*

On March 16, 1999, the Atlantic States Marine Fisheries Commission's Weakfish Management Board and Advisory Panel met to hear the preliminary results of the weakfish stock assessment prepared by the Weakfish Technical Committee. The results, which show a reduction in fishing mortality and an increase in spawning stock biomass, were met with cautious enthusiasm by the Management Board.

David Borden, Chair of the Commission, summarized this enthusiasm by stating, "After years of struggling to rebuild this resource, I think that we can finally say that we are on our way toward a fully recovered stock. The management measures adopted to protect the weakfish resource are having a positive impact, although we still have not met all the objectives of the plan." Borden continued by saying, "Fishermen are already reaping the benefits of an improved fishery. These benefits will only increase over the next several years as the population returns to historical sizes and geographic ranges, provided the fishing industry and fishery managers continue to maintain low fishing rates."

The preliminary analyses indicate that the fishing mortality rate has fallen below targets established in Amendment 3. Spawning stock biomass has steadily increased since the adoption of Amendment 3. While these are signs of recovery, the age structure targets defined in the plan have not yet been met. Presently, only the young age classes show improvement. One of the plan's goals is to achieve recovery throughout all age classes, and this will take several years.

The Technical Committee report was based on preliminary stock assessment analysis. The assessment methods incorporate new information and techniques, which improve our ability to assess the status of the stock. This has

resulted in a change in our understanding of the magnitude of fishing mortality, which now

appears to be lower than historical levels. Because of these changes, the Board has recommended an external peer review to confirm the stock assessment analysis.

Preston Pate, Chair of the Weakfish Management Board, commented, "Once the external peer review is conducted we will feel more confident in the positive results of the preliminary analysis. Right now we are encouraged by these results and look forward to confirmation through the external peer review."

Development of the Commission's first Fishery Management Plan for Weakfish began in 1985, spurred by declines in recreational catch and increased competition between recreational and commercial sectors in the early 1980s. Amendments 1 and 2 recommended conservation measures to recover the weakfish resource to healthy, sustainable levels. Despite these recommendations, the measures were not fully implemented due to the voluntary nature of the plan. Amendment 3, developed under the umbrella of the Atlantic Coastal Fisheries Cooperative Management Act, changed all this. It placed mandatory requirements on states to reduce fishing mortality on a stressed weakfish resource, and is the primary reason weakfish are now recovering.

For more information, please contact: Amy Schick, Fisheries Management Plan Coordinator, at (202)289-6400, ext. 317.



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

4/11 - 14:

55th Annual Northeast Fish & Wildlife Conference, Holiday Inn, Manchester, New Hampshire; (603)271-3211.

4/12 & 13:

ASMFC Shark Workshop, Alexandria, Virginia.

4/12 - 15:

EPRI Conference on Power Plant Impacts on Aquatic Resources, Renaissance Waverly Hotel, Atlanta, Georgia.

4/14 & 15:

New England Fishery Management Council, Providence Biltmore Hotel, Providence, Rhode Island.

4/16 & 17:

The History, Status, and Future of the New England Offshore Fishery in New London, Connecticut. For more information, contact either: the Connecticut College Center for Conservation Biology & Environmental Studies or the Connecticut Sea Grant College.

4/21 & 22:

ASMFC Atlantic Menhaden Advisory Committee and Plan Development Team, La Quinta Inn & Suites, 1001 Hospitality Court, Raleigh, North Carolina; (919)461-1771.

4/27 & 28:

ACCSP For-Hire Subcommittee, South Carolina Department of Natural Resources, Charleston, South Carolina.

4/27 - 29:

Mid-Atlantic Fishery Management Council, Sheraton Hotel, Atlantic City, New Jersey.

5/17 - 20:

ASMFC Spring Meeting Week, Royal Pavilion Resort, Atlantic Beach, North Carolina.

6/14 - 18:

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

6/24 - 30:

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

Over the past few months we have been taking a look at the Commission's new Strategic Plan. In the plan, the Commission matched its long-standing mission, stated in the Compact almost 60 years ago, in the future. The challenges and opportunities are momentous. Never before has such a wide array of coastal fishery resources been under such intense pressure, and so in need of concerted mutual action by the states. And, there are difficult hazards for the states to overcome in maintaining their commitment to working together. The simple fact is that there is no way, other than by working together, for the states to successfully do the job that needs to have done.

The states, therefore, share a vision for the future. It is a vision of healthy, self-sustaining fish populations along the Atlantic coast, to be achieved over the next fifteen years. The states have had some initial successes, but the remaining issues are formidable. The states will bring this vision to reality by maintaining their commitment to some fundamental values: that the resource comes first; that all of the states respect each other's integrity, as well as their need to address and craft solutions to their own problems; and that they will make the Commission a strong venue for working out their problems together.

Thus, the Commission's Strategic Plan lays out seven goals for achieving the states' shared vision.

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.

Lets take a look at what each of these means for the states, for the fishery resources and for the people who depend upon them.

Goal 1: Rebuild, restore and maintain Atlantic coastal fisheries through cooperative regulatory planning.

Conservation and management of valuable coastal fisheries is the most apparent challenge for the Commission and its member states. The simple fact is that most fisheries cannot continue to be harvested at today's levels. Integrating science and statistics is a continuing challenge. Increasing demands are being placed on state marine fishery agencies. Short-term issues overwhelm the system's ability to deal with long-term issues. Both the states' staffs and the Commission's staff are spread too thin.

The Commission will continue to aggressively pursue the Interstate Fishery Management Program – to prepare fishery management plans and monitor their success. Greater emphasis will be placed on continuing to open up the process for greater participation – by all Commissioners, by our partners in the federal government and regional fishery management councils, and by the public. A wider suite of issues must be considered in order to be effective, including socio-economic concerns, habitat and law enforcement.

Goal 2: Strengthen cooperative research capabilities.

Fisheries data need to be more accurate, more relevant and more timely. Particularly as stocks begin to recover, we need better data to track the recovery so that fishing regulations can be set that are consistent with the improving status of resources. We must do a better job of match-

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

ing what the scientific advice says to what fishermen are seeing on the water. Funding for research is always difficult to come by, and has been eroded by inflation and directed earmarking.

The Commission will continue to promote cooperative research and carry out activities that increase the ability of state scientists to contribute to developing scientific advice for fishery managers. The Commission will continue to promote and improve fishery independent programs such as SEAMAP, MARFIN and MARMAP; and will seek to bring about responsible, effective and coordinated tagging programs. Greater outreach to the academic and private research community is necessary. Research needs to anticipate the problems of tomorrow, rather than just the questions we have today.

Goal 3: Promote and coordinate cooperative fisheries statistics programs.

I cannot go anywhere in the country today without concluding that there is a clear consensus that fishery statistics and resource information are a fundamental problem in virtually all fisheries. On the Atlantic coast, the Atlantic Coastal Cooperative Statistics Program (ACCSP) is a terrific opportunity to make real progress in addressing this critical need. However, the organizational – keeping 23 partners working together – and financial challenges are daunting. It is essential that the public be integrated into the program structure.

The Commission and its member states remain fully committed to the success of the ACCSP. As the program moves from planning to implementation, the Commission will undertake whatever efforts are necessary to keep it moving forward, including providing a home for program activities. It is important to continue to expand the public outreach aspects of the ACCSP, since past efforts have amply shown that statistics programs cannot succeed in the face of fishermen's opposition.

Next: More of the Commission's goals and strategies for the next five years

States Brace for Significant Shortfall in Sport Fish Restoration Funds

Although no official announcements have been issued, the U.S. Fish and Wildlife Service is preparing for a \$60 million dollar short fall in the fiscal year 1999 (FY99) apportionment of funds for state boating access and sport fish restoration projects from the popular Wallop-Breaux Program. This translates to a 22 to 23 percent reduction in each state's allocation for the year. The problem arose from a translation by the Office of Management and Budget (OMB) of new language enacted last year during reauthorization of the Boating Safety Account (BSA). The BSA is one of two accounts in the Wallop-Breaux Trust Fund. The Sport Fish Restoration Account (SFRA) is the other. The SFRA has provided permanent, continuing appropriations for sport fish and boating access projects since establishment of the trust fund in 1984. However, Congress must approve authority to appropriate funds to the BSA on a periodic basis. Language crafted during the last reauthorization was intended to provide permanent spending authority for boating safety projects by passing money through the SFRA with built in safeguards to prevent loss of funds from that account. A technical reading by the OMB ignores those safeguards. With this OMB reading, the final apportionment of Federal Aid in Sport Fish Restoration Funds for FY99 will be reduced from \$272,589,143 to \$212,429,143. Applying established ratios for freshwater splits within the coastal states, the difference in these two numbers means that the Atlantic coastal states will receive approximately \$4.2 million less than originally projected. Some states will be more adversely affected than others.

Although legislative intent is clear, a legislative fix must be implemented. The trust fund is one of the most complicated tax laws on record. It becomes more complex each time the enabling legislation is examined during reauthorization of the BSA. A legislative "fix" will be equally as complicated. Currently, staff of the International Association of Fish and Wildlife Agencies is preparing draft language and searching for a vehicle to introduce an amendment. Commission staff will be working with the International to assist in their understanding of associated impacts to the coastal states.

For more information, please contact: Richard Christian, Sport Fish Restoration Coordinator, at (202) 289-6400.

Atlantic States Confirm Public Hearing Dates for American Lobster Addendum 1

The American Lobster Management Board met on February 22, 1999 to discuss and approve the *Public Hearing Document for Addendum 1 to Amendment 3 to the Interstate Fishery Management Plan for American Lobster*. Addendum 1 will clarify provisions of Amendment 3 and implement the area management portions of the Plan.

Over the last six months, the Board has been engaged in discussions to fully implement Amendment 3. Amendment 3 establishes a framework for area management that encourages industry participation in developing a management program that suits the needs of the area, while meeting targets established in the plan. The Board endorsed the proposals for lobster conservation management areas 2, 3, 4, 5, 6 and the Outer Cape. All areas combined encompass state and federal waters from Maine through North Carolina. Addendum 1 will be the first step in translating the proposals into area management plans.

The Board approved the following items to be included in the Addendum 1 for public hearings:

- components of a trap tag system
- *de minimis* specifications
- monitoring and reporting requirements
- circular escape vent size
- trap limits for each management area
- limits on vessel upgrades in Area 3
- area closures in Area 4
- possible revisions to the egg production rebuilding schedule
- lobster management area boundaries in Massachusetts waters
- continuing review of the effectiveness of the area management program
- adjustment to the compliance schedule

The second step in translating the Lobster Conservation Management Team proposals into area management plans will take place during the fall of 1999. The Board expressed concern in implementing measures to increase egg production, such as an increase in the minimum gauge size and increases in the vent size, because the status of the stock is currently being updated. The current assessment will provide more recent data upon which to base management decisions. The results of the assessment may have an impact on necessary management measures. The Board's intent is to prevent implementing measures in May that may change following the release of the stock assessment report in the summer. The Board intends to take action on measures relating to egg production prior to December 31, 1999.

The Atlantic States Marine Fisheries Commission has scheduled a series of public hearings in cooperation with member states to gather public comment on the current Public Hearing Document for Addendum 1. The Addendum is scheduled to be approved by the Commission in May 1999 for initial implementation in January 2000. The following lists the states that have scheduled public hearings, including the date, location and contact person for each hearing.

MAINE

<u>Date and Time</u>	<u>Location</u>	<u>State Contact Person</u>
April 26, 1999; 7:00 p.m.	Ellsworth Holiday Inn Ellsworth, Maine	Terry Stockwell (207)633-9556
April 27, 1999; 7:00 p.m.	Samoset Resort Rockport, Maine	
April 28, 1999; 7:00 p.m.	Holiday Inn by the Bay Portland, Maine	

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Atlantic States Confirm Public Hearing Dates for American Lobster Addendum 1 (continued from page 5)

NEW HAMPSHIRE

<u>Date and Time</u>	<u>Location</u>	<u>State Contact Person</u>
April 21, 1999 at 7:00 p.m.	Urban Forestry Center Portsmouth, New Hampshire	John Nelson (603)868-1096

MASSACHUSETTS

<u>Date and Time</u>	<u>Location</u>	<u>State Contact Person</u>
April 20, 1999 at 7:00 p.m.	Massachusetts Maritime Academy Buzzards Bay, Massachusetts	Jim Fair (617)727-3193, ext. 363
April 22, 1999 at 7:00 p.m.	Fuller School Gloucester, Massachusetts	

RHODE ISLAND

<u>Date and Time</u>	<u>Location</u>	<u>State Contact Person</u>
April 19, 1999 at 2:00 p.m.	Narragansett Town Hall Narragansett, Rhode Island	David Borden (401)222-6605

CONNECTICUT

<u>Date and Time</u>	<u>Location</u>	<u>State Contact Person</u>
April 29, 1999 at 7:00 p.m.	Trumbull Marriott Trumbull, Connecticut	Eric Smith (860)434-6043
April 30, 1999 at 7:00 p.m.	Holiday Inn New London, Connecticut	

NEW YORK

<u>Date and Time</u>	<u>Location</u>	<u>State Contact Person</u>
May 3, 1999	River Head Town Hall River Head, New York	Byron Young (516)444-0436
May 4, 1999	Suffolk Community College Brentwood, New York	

NEW JERSEY

<u>Date and Time</u>	<u>Location</u>	<u>State Contact Person</u>
May 6, 1999 at 7:00 p.m.	Atlantic County Library Absecon, New Jersey	Bruce Freeman 609-292-2083
May 7, 1999 at 6:30 p.m.	Belmar Municipal Building Belmar, New Jersey	

Fishermen and other interested parties can provide their input into the decision-making process by attending any of the scheduled meetings, or contacting their state agency and/or the Commission. Copies of the Public Hearing Document for Addendum 1 can be obtained by either contacting Jeanette Braxton at (202) 289-6400 ext. 312 or via the Commission's webpage at www.asmf.org. For more information, please contact: Amy Schick, Fisheries Management Plan Coordinator, at (202) 289-6400, ext. 317.

New England Fishery Management Council EFH Amendment Approved

On March 3, 1999, the Secretary of Commerce approved the New England Fishery Management Council's omnibus Essential Fish Habitat (EFH) amendment, which included Amendment 11 to the Council's Multispecies (groundfish) Fishery Management Plan (FMP), Amendment 9 to the Sea Scallop FMP, and Amendment 1 to the Atlantic Salmon FMP. These amendments included the provisions for EFH required by the Magnuson-Stevens Act. In addition, Atlantic Salmon Amendment 1 included a definition for overfishing, and provisions for frameworking of Atlantic salmon aquaculture. The omnibus amendment also included the necessary EFH information for Amendment 1 to the Monkfish FMP; however, this information is being reviewed under separate action.

The amendments designated EFH in state and federal waters along the northeast Atlantic coast for over 100 species. EFH designations were primarily based on relative abundance and distribution of each species, as indicated by analysis of the National Marine Fisheries Service (NMFS) Northeast Fisheries Science Center offshore trawl survey data, and estuarine distribution and relative abundance of species provided by the National Ocean Service Estuarine and Living Marine Resources Program. The amendments also designate two Habitat Areas of Particular Concern (HAPC), one each for juvenile Atlantic cod and Atlantic salmon. Although HAPCs do not gain legal protection beyond that afforded EFH, proposed federal activity that may adversely impact HAPCs, such as dredging projects, and may be subjected to a higher level of scrutiny under environmental review.

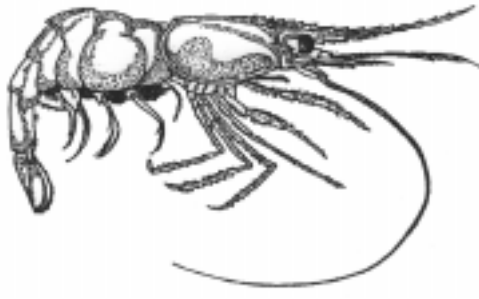
The Magnuson-Stevens Act requires that the regional fishery management councils address reducing fishing gear impacts to EFH to the extent practicable in EFH amendments and any future fishery management actions that may adversely impact EFH. The Council found that fishing gear impacts to EFH

have already been reduced by the severe fishery management restrictions currently in place. The Council determined that quantification of the current level of impact or the degree to which impacts have been reduced by current management measures is impossible with the present level of information and data available. In the Amendment, the Council states it intends to continue to evaluate these issues, and apply new data as they become available.

In the approval letter to the Council, NMFS noted an issue that warranted further attention from the Council. NMFS commented that the Council could have clarified the habitat protection benefits of certain existing and proposed management measures by explicitly stating in the amendments that the measures are intended to promote EFH conservation in addition to other rationales. NMFS stated that this acknowledgement of Council intent would clarify that the habitat benefits of measures originally developed for other purposes should be considered expressly whenever future management actions are contemplated.

EFH designations and associated information for other federally managed fisheries of the Atlantic coast are under review by the Secretary of Commerce. EFH information is included in the New England Fishery Council's Monkfish Amendment 1; Mid-Atlantic Fishery Management Council's Amendments to the Summer Flounder, Scup and Black Sea Bass FMP; the Squid, Mackerel, and Butterfish FMP; and the Surf Clam and Ocean Quahog FMP; and finally the South Atlantic Fishery Management Council's omnibus EFH amendment. EFH amendments have also been approved by the Secretary of Commerce for two NMFS FMPs, including the Highly Migratory Species FMP and the Billfish FMP. For further information, please contact: Dianne Stephan, Habitat Coordinator, at (978)281-9397 or Dianne.Stephan@NOAA.gov.





Northern Shrimp Section Discusses Amending the FMP

The Northern Shrimp Section met on March 15, 1999 in Alexandria, Virginia to begin

discussions on the possibility of amending the *Northern Shrimp Fishery Management Plan* (FMP). The discussions to amend the plan emerge the Section's desire for more available alternatives to manage the fishery. While no action was taken at this meeting, the Section will continue discussions during a joint Section and Advisory Panel meeting on April 16, 1999 at the Urban Forestry Center in Portsmouth, New Hampshire.

The Northern Shrimp FMP was approved in 1986 in response to deteriorating conditions in the fishery and a desire for cooperative management. The Plan includes four measures to regulate the harvest of northern shrimp in the Gulf of Maine: (1) gear limitations (a minimum mesh size); (2) season limitations (no more than 183 days between December 1 and May 31); (3) possession limitations (count per pound for shrimp that is consistent with the minimum mesh size); and (4) data collection provisions to determine participation in the fishery, total landings of shrimp, and sampling of the catch. The Section sets regulations annually and has primarily relied on season limitations to manage the fishery over the last 13 years.

Recently, advisors have suggested that the Section pursue alternative management approaches for the northern shrimp fishery, such as a days at sea program that would provide more flexibility to the fishery. The addition of such alternative management approaches, however, would require a plan amendment.

Additionally, there is a recognized need to amend the Plan under the provisions of the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA). ACFCMA has provided the teeth behind the Commission's fishery management plans since 1994, requiring states to comply with specified mandatory provisions of a plan or risk a shutdown of its fishery by the Secretary of Commerce. Since the adoption of ACFCMA, the Commission has updated all active fishery management plans, with the exception of northern shrimp, winter flounder and menhaden, of which the latter two are currently undergoing amendment.

In order for the Northern Shrimp Plan to be opened for an amendment, the Section must make a recommendation to the Commission's Interstate Fisheries Management Program Policy Board, which in turn must approve the opening of the plan. The Policy Board will meet in May and October of 1999 and could take action on this issue at either meeting. If a request for amending the plan is approved by both the Section and Policy

Board in May, the Section will appoint a Plan Development Team to begin working on the amendment with the earliest date of implementation being the 2000-2001 fishing season.

For more information please contact: Amy Schick, Fisheries Management Plan Coordinator, at (202)289-6400, ext. 317.

Tautog Management Board Revisits Several State Proposals

The Tautog Management Board met on March 15, 1999 to take final action on an issue concerning the Rhode Island's bag limit for its party and charter boats. The Board also took action on the quantitative analyses supporting the current management programs of Massachusetts, New Jersey, and Maryland.

The State of Rhode Island implemented a management system for its recreational tautog fishery that has a bag limit for party and charter boats that is different from the bag limit for all other modes of recreational fishing. Individuals on party and charter boats can possess one, 16-inch tautog from January 1 through October 15, and 12, 16-inch tautog from October 16 through December 31. All other modes of recreational fishing are limited to four, 16-inch tautog throughout the year. The Management Board determined that Rhode Island's party and charter boat catch limits are not in accordance with the Tautog Fishery Management Plan (FMP), and must be revised before October 1, 1999. If Rhode Island does not revise its party and charter boat regulations, the Board will recommend that the state be found out of compliance at the Commission's 58th Annual Meeting.

On February 5, 1998, the Management Board approved the Commonwealth of Massachusetts' state management proposal for tautog provided that they submit quantitative analysis that indicated it has achieved the interim fishing mortality of $F=0.24$. The Commonwealth conducted a state-specific stock assessment that indicated that relative exploitation rates and fishing mortality have been decreasing since 1995. However, in light of the past Tautog Technical Committee determination that state-specific assessments for tautog have limited usefulness for evaluating the effects of specific regulatory changes, Massachusetts offered a series of management options to achieve the required 55 percent reduction in fishing mortality. Based on these options, the Board passed a motion requiring Massachusetts to implement a seasonal closure that results in a 55 percent reduction in fishing mortality.

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Implementation of the Horseshoe Crab FMP Delayed

In October 1998, the Commission's Horseshoe Crab Management Board approved an *Interstate Fishery Management Plan (FMP) for Horseshoe Crab*. Under this Plan, each state was required to submit a management proposal for implementing the FMP by February 15, 1999. The Technical Committee met on March 10, 1999 to review the state management proposals and determine their adequacy in meeting the management and monitoring requirements of the FMP. Their recommendations were made to the Management Board on March 17 in Alexandria, Virginia.

Of the 17 proposals required for submission, the Management Board determined that only five (New Jersey, Delaware, Maryland, Virginia, and South Carolina) adequately addressed the requirements of the FMP. State proposals not approved failed primarily because the proposed harvest monitoring programs did not demonstrate that an accurate determination of the 1999 harvest of horseshoe crabs would be possible. An accurate determination of the 1999 harvest by state is necessary to develop a cap on landings to be implemented in the year 2000.

Many states are not including harvest for personal use in the monitoring of its commercial horseshoe crab fishery. This harvest, in total, may be substantial and if not accounted for would not be included in the coastal cap. Other states are developing statutes or regulations necessary to accurately monitor the har-

vest but these programs would not be implemented until later this year or in the year 2000. The Management Board agreed to extend the FMP's state compliance deadline for those states without approved plans to September 1, 1999. This new timeline will make it difficult for the Management Board to approve a coastwide cap for the year 2000.

In an effort to improve data, the Technical Committee coordinated, throughout the month of January, a series of horseshoe crab monitoring workshops which have resulted in the design of a statistically valid spawner beach and egg count survey. These surveys will be implemented this spring and will provide valuable information for managing this resource. The workshops also resulted in the development of a coastwide tagging program. This program will be coordinated by the U.S. Fish and Wildlife Service and implemented by the biomedical industry this spring. Work has been initiated in evaluating the post-release mortality of horseshoe crabs used by the biomedical industry. Additionally, a research proposal was approved to examine the genetic structure of the Atlantic coast horseshoe crab population. This information will be useful in determining if geographic sub-populations exist and if regional management is possible.

For more information, please contact: Tom O'Connell, Horseshoe Crab Fishery Management Plan Coordinator, at (410)260-8260 or toconnell@dnr.state.md.us.

ASMFC Shark Workshops

Since 1993 sharks have been managed in federal waters (three to 200 miles) by the National Marine Fisheries Service (NMFS). Alternatively, current management of sharks in state waters (within three miles from shore) is highly variable. Some states have regulations that are more stringent than those of the NMFS, while many other states have no regulations governing the harvest of sharks.

Recently, the question has been raised as to what role the Commission should play in Atlantic coast management. This question was addressed, in part, by the Interstate Fisheries Management Program (ISFMP) Policy Board at its last meeting in October 1998. Specifically, the ISFMP Policy Board passed a motion for the Commission to investigate and consider options relative to enhancing the management of sharks in state waters.

To follow up on the directives of the Policy Board, the Commission has planned two workshops relative to shark manage-

ment. The first is a technical workshop on April 12 & 13, 1999 in Alexandria, Virginia. The goal of the workshop is to collect background information on current state shark management regimes and identify possible roles for the Commission in future shark management. The technical workshop will be followed by a policy workshop during the Commission's Spring Meeting Week (May 17-20, 1999) in Atlantic Beach, North Carolina. The policy workshop will review the options for Commission involvement in shark management, and recommend preferred options to the ISFMP Policy Board for its consideration later that week.

For more information, please contact: Geoff White, Fisheries Research Specialist, at (202)289-6400 or gwhite@asmfc.org.

Tautog Management Board Revisits Several State Proposals (continued from page 8)

The State of New Jersey was in a similar situation as Massachusetts, in that it was required to provide quantitative analysis that indicated that it has achieved the interim fishing mortality of $F=0.24$. New Jersey submitted analysis that indicated that the commercial quota system that is currently in place limited the amount of tautog landed. The Technical Committee determined that the reduction in fishing mortality associated with the quota system could not be calculated. The Management Board concurred with the Technical Committee and passed a motion that required New Jersey to implement a season closure for its commercial fisheries that achieved the required reduction in fishing mortality.

The State of Maryland developed its state-specific fishing mortality rate by averaging the fishing mortality rates of Delaware and Virginia. The Management Board required Maryland to develop a state-specific fishing mortality rate based on its own data to determine if its current management program meets the requirements of the FMP. Maryland has implemented a very restrictive five fish bag limit for its commercial and recreational fisheries, which prevented the collection of sufficient data to calculate a state-specific fishing mortality rate. The Management Board passed a motion allowing Maryland to continue with its current management program provided that 200-400 samples are taken in 1999 to give the state more data to calculate a state-specific fishing mortality rate. For more information, please contact: Robert Beal, Fisheries Management Plan Coordinator, at (202) 289-6400, ext. 318.

Technical Committee to Explore Overfishing Definition for Summer Flounder

The Summer Flounder, Scup, and Black Sea Bass Management Board met on March 16, 1999. During this meeting the Management Board passed a motion tasking the Summer Flounder, Scup, and Black Sea Bass Technical Committee with reviewing the overfishing definition and stock biomass parameters for summer flounder. Subsequent to this review the Board is willing to pursue an amendment of framework action to move to a constant harvest strategy for possible implementation in year 2000.

The Technical Committee will meet on April 20, 1999 to review the overfishing definition and stock biomass parameters that are currently in the summer flounder plan. The results of this review will be presented to the Management Board at the Commission Spring Meeting, which will be held May 17-20, 1999 in Atlantic Beach, North Carolina. For more information, please contact: Robert Beal, Fisheries Management Plan Coordinator, at (202) 289-6400, ext. 318.

Draft Habitat Program Strategic Plan Available for Comment

A draft Strategic Plan for the Commission's Habitat Program is now available for review and comment. The draft Plan was developed by the Commissions' Habitat Committee and Habitat and Fishery Management Plans Committee to plan for activities over the next five to ten years that will fulfill the habitat-related goal of the Commission's overall strategic plan: "To enhance cooperative protection of fisheries habitat." The activities are organized according to the following topics: (1) Fisheries Management Planning; (2) Commission Policies and Resolutions; (3) State and Federal Policies; and (4) Outreach, Technical Information Transfer, and Education. The proposed activities include the continuation of projects such as the newsletter *Habitat Hotline Atlantic*, as well as newly proposed activities such as the development of habitat background documents and fishery management plan habitat sections.

To obtain a copy of the draft Habitat Strategic Plan, contact Robin Peuser (rpeuser@asmfc.org) at the Commission's office. Please submit your comments by Friday, **April 23, 1999** to Dianne Stephan (dianne.stephan@noaa.gov) or Robin Peuser (rpeuser@asmfc.org).

Emergency Board Meeting to Review Scup Management

On February 24, 1999, the U.S. Court of Appeals released its decision regarding the Secretary of Commerce's appeal in the Commonwealth of Massachusetts' scup lawsuit. The Court of Appeals upheld the District Court's earlier decision which voided the portion of the 1997 federal regulatory amendment establishing a state-by-state allocation for the commercial scup fishery during the summer period (May-October). Technically, the court decision does not void the Commission's FMP which contains a state-by-state quota allocation during the summer period. However, this decision will make it very difficult for the Secretary of Commerce to enforce any out-of-compliance findings that the Commission has made with respect to the state-by-state quota system.

The Management Board agreed that an emergency Board meeting should be scheduled to develop an emergency rule to ensure that the coastwide quota for the summer period is not exceeded. This emergency rule will also attempt to keep the scup fishery open for the majority of the summer period to allow states in different regions the ability to harvest a portion of the quota. This emergency meeting will be held on April 7, 1999 in Providence, Rhode Island. For more information, please contact: Robert Beal, Fisheries Management Plan Coordinator, at (202) 289-6400, ext. 318.

NMFS Publishes 1999 List of Fisheries

In early March, the National Marine Fisheries Service (NMFS) announced the release of its 1999 List of Fisheries, which categorizes each commercial fishery based on the number of marine mammals seriously wounded or killed during fishing operations. Each fishery is placed into one of three categories according to the level of interaction with marine mammals. Category I consists of fisheries with frequent injuries and deaths of marine mammals. Fisheries in Category II have occasional interactions, and fisheries in Category III have seldom or no injuries and deaths of marine mammals.

Commercial fishermen who participate in fisheries placed in Category I or II must register in the Marine Mammal Assessment Program and submit a \$25 fee unless registration has been integrated with a preexisting state or federal registration program. The Marine Mammal Protection Act requires all commercial fishermen to submit a report to NMFS within 48 hours of the end of each fishing trip if a marine mammal is injured or killed incidental to fishing operations.

Changes for 1999 add the Atlantic herring midwater trawl fishery to the list for the first time and places it in Category II. This fishery includes vessels using midwater trawls as pair trawls (one net towed by two vessels). This also affects the current Category III listing for the Gulf of Maine Mid-Atlantic coastal herring trawl fishery. NMFS determined that there is little difference between boats' fishing or gear used in Maine waters and those in other Atlantic waters. As a result, the new Category II list for Atlantic herring midwater trawl fishery also includes those currently operating in the Gulf of Maine, Mid-Atlantic coastal herring trawl fishery and removes them from last year's Category III. Fishermen participating in these fisheries will receive registration information from NMFS northeast regional office in Gloucester, Massachusetts.

Other 1999 changes include reclassifying the Gulf of Mexico menhaden purse seine fishery from Category III to Category II based on the observed bycatch or coastal bottlenose dolphins from 1992 to 1995. Fishermen participating in this fishery will be sent registration information from NMFS southeast regional office in St. Petersburg, Florida.

The 1999 list also clarifies and simplifies existing requirements. Administrative changes include updates to the list of species that interact with commercial fisheries and to the number of participants in some fisheries. In addition, minor changes in fishery descriptions include renaming the North Carolina haul seine fishery as the Mid-Atlantic haul seine fishery; renaming the Northeast multispecies sink gillnet fishery as the northeast sink gillnet fishery; and modifying the name of several Alaska fisheries to include the target species.

The Annual List of Fisheries classifies fisheries based on a two-tiered, stock-specific approach that first addresses the total impact of all fisheries on each marine mammal stock and then addresses the impact of individual fisheries on each stock. The annual rate of marine mammals seriously injured or killed incidental to commercial fisheries is compared to the potential biological removal (PBR) level for each stock. The PBR level is defined in the MMPA as the maximum number of animals that may be removed from a marine mammal stock while allowing the stock to reach or maintain its optimum sustainable population. Tier 1 considers the cumulative fishery mortality and serious injury for a particular stock, while Tier 2 considers fishery-specific mortality and serious injury for a particular stock.

Tier 1: If the total annual mortality and serious injury across all fisheries that interact with a stock is less than or equal to 10 percent of the PBR level of such a stock, then all fisheries interacting with that stock would be placed in Category III. Otherwise, these fisheries are subject to the next tier to determine their classification.

Tier 2 - Category III: Annual mortality and serious injury in a given fishery is less than or equal to one percent of the PBR level.

Tier 2 - Category II: Annual mortality and serious injury in a given fishery is greater than one percent but less than 50 percent of the PBR level.

Tier 2- Category I: Annual mortality and serious injury of a stock in a given fishery is greater than or equal to 50 percent of the PBR level.

The 1999 List of Fisheries can be found on the Internet at: http://www.nmfs.gov/prot_res/main/new.html or please contact Cathy Eisele at (301)713-2322.

American Eel Public Hearing Document Approved for Public Comment

On March 17, 1999, the American Eel Management Board approved the American Eel Public Hearing Document for public comment. The Document presents the proposed goals and objectives for the Draft American Eel Fishery Management Plan and provides a range of management options to regulate the fishery in state waters. The Document should be available in mid- to late April, with public hearings to be held throughout May and June in most Atlantic coast states. Final Commission approval of the plan is slated for October 1999. For more information, please contact: John Field, Assistant Director to the ISFMP, at (202)289-6400, ext. 301.

ACCSP Implementation Forges On

The Atlantic Coastal Cooperative Statistics Program (ACCSP) is moving towards implementation. The State of Georgia began collection of ACCSP quality commercial fisheries data in January 1999. A formal process is being examined to assist the Coordinating Council in deliberations on funding proposals from Program partners. A series of meetings is being planned for this spring and early summer to assess where each partner presently stands on implementing the complete ACCSP data collection program within their respective jurisdictions. A series of recreational roundtables were completed recently; designed to obtain feedback and suggestions on the Program from those constituents. A summary will be available very soon.

The commercial catch and effort module of the ACCSP data management system is being tested currently, with limited, confidential data from two partner agencies. Development of the social/economic and recreational catch and effort modules may begin as early as late April. The biological module should be under development by the end of the year.

For information on information technology issues, please contact: Mike Cahall, ACCSP Information Systems Program Manager at (301)713-2328 or mcahall@asmfc.org. For more information or questions about all other facets of the ACCSP, please contact: Joe Moran, ACCSP Program Manager, at (202) 289-6400 or jmoran@asmfc.org.

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