



ASMFC

FISHERIES *focus*

Volume 14, Issue 9
October 2005

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

Working towards healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015

ASMFC Hires Dr. Carmela Cuomo as Science Director



Dr. Carmela Cuomo has accepted the position of Science Director with the Atlantic States Marine Fisheries Commission, effective September 1, 2005. As an interdisciplinary scientist with expertise in estuarine and marine benthic ecology, aquaculture, environmental pollution, and hypoxic environments, Dr. Cuomo is highly qualified for her new position. She has an extensive academic background, having served as a Research Associate in the Department of Geology and Geophysics at Yale University and an Assistant Professor and Coordinator of the Marine Biology Program at the University of New Haven, Connecticut.

“Dr. Cuomo will be a terrific asset to the Commission’s science program because of her extensive research ability, academic background, and commitment to the conservation of Atlantic coastal resources,” stated John V. O’Shea, ASMFC Executive Director. “She has earned the respect of

colleagues and fishermen alike through her work on horseshoe crab and lobster, among other important Atlantic marine species. She is a high-energy person, with a keen analytical mind, extensive connections within the research and academic communities, and a strong stewardship ethic. I am delighted to have such a talented and respected scientist leading our fisheries science activities.”

A *summa cum laude* graduate of Adelphi University, where she double-majored in Biology and Geology, Dr. Cuomo was awarded her M. Phil and her Ph.D. in Geology and Geophysics from Yale University. She is skilled in all phases of the research process including grant writing, experimental design, facilities and equipment design, data collection and analysis, and publication. She is frequently invited to lecture on marine science, most recently on the relationships among temperature, bottom water chemical conditions, and lobster survival in Long Island Sound. Dr. Cuomo has served on many scientific boards and advisory committees, including the U.S. EPA Long Island Sound Scientific and Technical Advisory Committee. As an accomplished author and researcher, Dr. Cuomo has published numerous articles in scientific journals, and has been the principal investigator on several state and federal grant-funded projects related to estuarine and marine benthic ecology.

Inside This Issue

Upcoming Meetings Page 2

Species Profile: Spiny Dogfish
Page 4

ASMFC to Initiate Atlantic Coastal Shark FMP Page 6

ASMFC 64th Annual Meeting Preliminary Agenda Page 7

Draft Amendment 2 to the Atlantic Herring Plan Released for Public Comment Page 8

On the Legislative Front Page 9

Commercial Fishermen Sentenced for Illegally Catching and Selling Fish Page 9

Joint ACCSP/GulfFIN Metadata Project Receives NMFS Funding Page 10

ASMFC Employee of the Quarter Named Page 11

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, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida.

Atlantic States Marine Fisheries Commission

Preston P. Pate, Jr. (NC), Chair
George D. Lapointe (ME), Vice-Chair

John V. O'Shea, Executive Director
Robert E. Beal, Director, Interstate Fisheries Management Program
Laura C. Leach, Director of Finance & Administration
Carmela Cuomo Ph.D., Science Director

Tina L. Berger, Editor
tberger@asmfc.org

(202)289-6400 Phone • (202)289-6051 Fax
www.asmfc.org

Upcoming Meetings

10/16 - 21:

International Conference of the Estuarine Research Federation, Norfolk Marriott Waterside Hotel & Convention Center · Sheraton Norfolk Waterside Hotel, Norfolk, Virginia.

10/18:

ASMFC Atlantic Croaker Advisory Panel, Radisson Plaza Lord Baltimore, 20 West Baltimore Street, Baltimore, Maryland; (800)333-3333.

10/20 & 21:

ASMFC Horseshoe Crab Technical Committee, Sheraton Norfolk Waterside Hotel, 777 Waterside Drive, Norfolk, Virginia.

10/25 - 26:

ASMFC Artificial Reef Committee, Hilton Jacksonville Riverfront, 1201 Riverplace Boulevard, Jacksonville, Florida.

10/25:

ASMFC American Eel Advisory Panel, Radisson Plaza Lord Baltimore, 20 West Baltimore Street, Baltimore, Maryland.

10/26 & 27:

ASMFC American Eel Technical Committee, Radisson Plaza Lord Baltimore, 20 West Baltimore Street, Baltimore, Maryland.

10/31 - 11/3:

ASMFC 64th Annual Meeting, Marriott Seaview Resort & Spa, 401 South New York Road, Galloway, New Jersey (see preliminary agenda on page 7).

11/9 - 10:

Tautog Stock Assessment Peer Review Panel, Hotel Providence, 311 Westminster Street, Providence, Rhode Island.

11/15 - 17:

New England Fishery Management Council, Sheraton 4 Points, Hyannis, Massachusetts.

12/5 - 9:

South Atlantic Fishery Management Council, Courtyard Marriott, 100 Charlotte Avenue, Carolina Beach, North Carolina; (800)458-3606.

2006

1/17 - 19:

Mid-Atlantic Fishery Management Council, Sheraton Annapolis Hotel, Annapolis, Maryland.

The suffering, devastation, and ruin caused by hurricanes Katrina and Rita have affected all of us in one way or another. Many have heard first-hand accounts from family, friends, or colleagues living in the region. All of us have watched the graphic images on television and read the reports of loss and destruction on the front pages of our newspapers. For many of us, it is difficult to think of any other event in our lifetime that has had such an immediate and profound impact on so many Americans. For residents of coastal communities, these events serve as a stark reminder that normality can quickly be displaced by adversity. Prudence dictates forward thinking and preparation for contingencies.

Here are some of my thoughts and reactions to the recent events in the Gulf.

Sympathy

I have deep sympathy for the victims — both for the human loss they have suffered and the physical pain they continue to endure. I am reminded of their plight everyday through the routine things I often taken for granted, like drinking fresh water from the tap, bathing in clean water, storing and preparing food, and sleeping in a comfortable bed. Hundreds of thousands of people have lost everything they own, including irreplaceable heirlooms, photo albums, and other important connections to their past. Hopefully, our collective response of monetary and material donations will bring them some comfort and relief.

Admiration

I admire the heroic efforts of the first responders who went into the region immediately following the hurricane, rescuing people from flooded houses and rooftops. The Coast Guard alone was reported to have saved some 33,000 people, hoisting people through a maze of power lines, towers, and other obstructions. Other responders included police, firemen, medical workers, the National Guard, and Navy and Army personnel, all conducting around-the-clock operations.

Gratitude

I am grateful for the second wave of responders, both paid and volunteers, who poured into the region from the Red Cross, Salvation Army, church groups, and utility companies. These responders tackled the enormous job of providing medical attention, food, water,

and shelter to the survivors, as well as restoring critical utility services to the region in support of clean-up and recovery.

Next Steps

Some have pointed out that the devastation and recovery presents an opportunity to rebuild a Gulf region that is even bigger and better. But it also presents a challenge to rethink the development standards for coastal areas. What are the best ways to develop our coastal areas to meet human needs that are compatible with the environment? Who should pay for the risk incurred by building in low-lying areas close to the ocean? Who should pay the costs to improve survivability of a hurricane strike? This time around, all of us will pay in the form of the federal assistance being directed towards the Gulf rebuilding effort, but what about the next time? This public policy debate needs to be continued and resolved.

There is also the challenge of paying for the direct and indirect costs of rebuilding the Gulf. The federal government has moved quickly to send relief dollars to the region. In the coming months, Congress will be determining the source of those funds. While it is not clear what, if any, domestic spending programs would be cut, it is likely that the opportunity for expanded domestic spending will be limited.

Finally, disasters have a way of triggering an instinctive response to realistically evaluate our own risks and preparedness. The application of this review to those living in coastal areas outside the Gulf should be obvious. However, the application to fisheries management might be more obscure, but is no less relevant.

Periods of apparent high abundance and record landings are opportunities to prepare for less fortunate times. For long-lived species, how many fish do we hold in reserve as a risk-averse measure against several years of poor recruitment? For the participants of a lucrative fishery, what portion of the ex-vessel value should fishermen set aside for less fortunate times?

These questions may seem ridiculous if one believes the good times will last forever or the government will come rushing in to help when there is a catastrophe. Seeing people stranded on their roofs for days surrounded by water should give us all pause to think. Hopefully, that is something we could all agree to do.

Species Profile: Spiny Dogfish

Once Abundant Species Slowly Moves Towards Recovery

Introduction

With the decline of groundfish and other commercially valuable Northeast stocks in the 1980s and 1990s, the fishing industry was encouraged to develop a market for the bountiful schools of spiny dogfish. As restaurant menus featured Cape Shark and belly flaps were shipped to Europe for fish and chips, dogfish landings spiked to levels where the stock could not replenish the removals at the same rate. Dogfish are slow growing, late to mature, and have the longest pregnancy of any vertebrate. As such, the stock status precipitously declined in the late 1990s because industry targeted the larger mature females of the population. The life history of the spiny dogfish requires a large spawning stock biomass for the population to be sustainable. In 2000, management stepped in to implement stringent harvest restrictions, curtailing the newly developed dogfish markets in the hope that the stock would rebound. Fishermen expressed skepticism regarding the appropriateness of the new management measures given frequent catches of large schools of dogfish interfering with their fishing activities for other species. With few pups and declining numbers of large mature females in federal and state trawl surveys, scientists believe fishermen primarily encounter immature dogfish, which are the necessary spawning stock biomass component for recovering the East Coast spiny dogfish population.

Life History

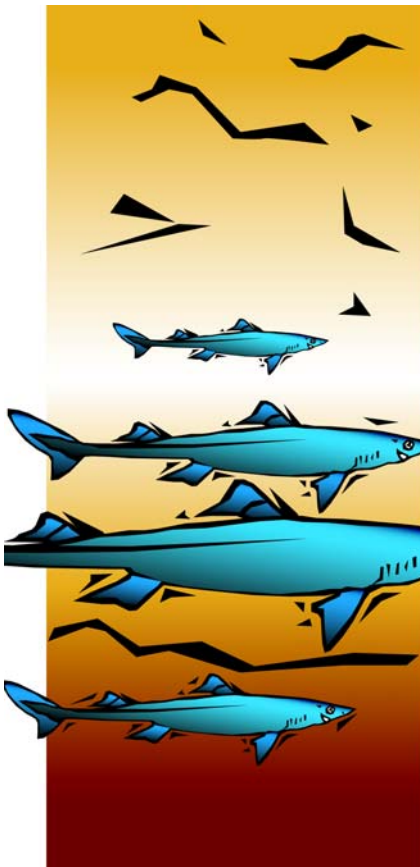
Dogfish can be found on both sides of the North Atlantic and North Pacific Ocean, mainly in the temperate and subarctic areas. In the Northwest Atlantic, the stock ranges from Labrador to Florida, but are most abundant from Nova Scotia to Cape Hatteras. Seasonal migrations occur northward in the spring and summer and southward in the fall and winter. In the winter and spring, spiny dogfish are located primarily in Mid-Atlantic waters but also extend onto the shelf break of southern Georges Bank. In the summer, they are located farther north in Canadian waters and move inshore into bays and estuaries. By autumn, dogfish have migrated north with high concentrations in Southern New England, on Georges Bank, and in the Gulf of Maine. They remain in northern waters throughout the autumn until water temperatures begin to cool and then return to the Mid-Atlantic.

Spiny dogfish school by size until they mature and then they school by both size and sex. Female dogfish reach sexual maturity at about 29.5 inches or twelve years, while males reach sexual maturity at 23.6 inches or six years. Mating occurs in the winter months and the pups are delivered on the offshore wintering grounds. Dogfish carry litters ranging from two to 15 pups. While carrying one litter, the female will begin developing eggs for the fertilization of her next litter. After an 18 to 24 month gestation period, the pups are released live and fully formed at about 14 inches.

Dogfish predators are whales, dolphins, silver hake, white hake, weakfish,



Photo courtesy of Andy Murch/Elasmodiver.com



Spiny Dogfish *Squalus acanthias*

Uses: fish & chips, fertilizer, hide for leather, pet food, liver oil for lighting and vitamin A, specimens for dissection, cancer research (squalamine)

Interesting Fact: Longest gestation period of any vertebrate (18-24 months), give birth every 2 years with litters from 2-15 pups, but on average 6 pups

Oldest Recorded: 100 years

Age/Length at Maturity: Females = 12 years/29.5-31.5"; Males = 6 years/23.6"

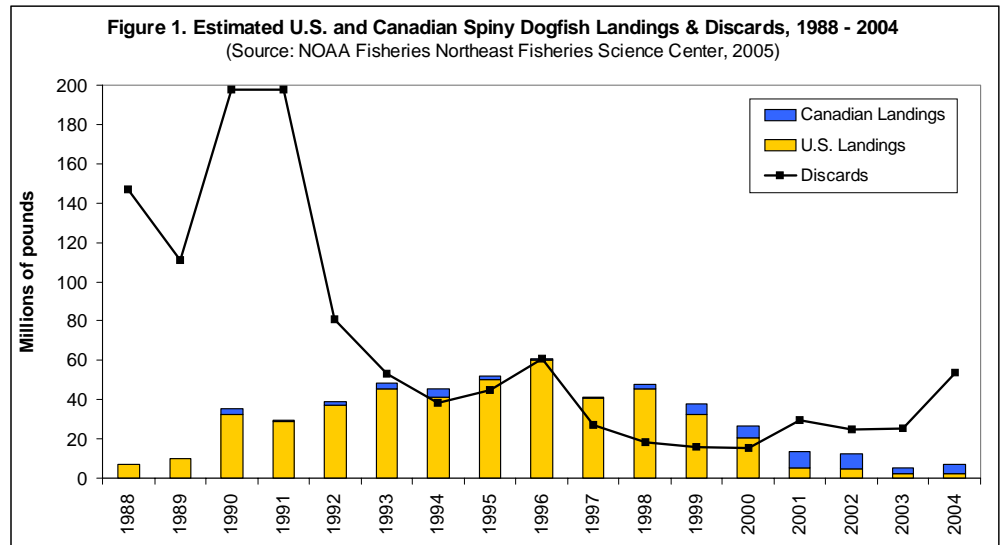
Age/Length at Full Recruitment: Females at 10 - 13 years/ 32.3 - 34.3" Males at 15 - 18 years/ 29.1 - 30.7"

Stock Status: Overfished, but overfishing is not occurring

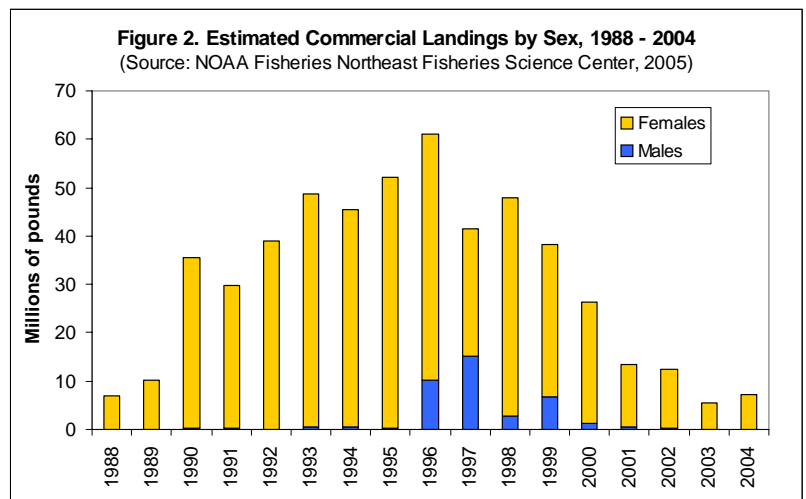
goosefish, Atlantic cod, bluefish, striped bass and other large predatory species. Spiny dogfish are opportunistic feeders. Their diet consists of several commercially important species, such as Atlantic herring, Atlantic mackerel, *Loligo* and *Illex* squid, and to a lesser extent cod and haddock.

Fisheries

Throughout the 19th and most of the 20th century, spiny dogfish did not hold significant value to commercial fishermen. Small quantities were consistently landed until 1960 (just over 200,000 pounds) to supply the European food fish markets; they are prepared as fish and chips in England and in Germany they are served as a popular beer garden snack called shillerlocken. Foreign fleets dominated dogfish catches in U.S. waters prior to the passage of the Fishery Conservation and Management Act in 1976. From 1978 to 2000, the U.S. dominated commercial catches along the East Coast using longlines, trawls, and gillnets to harvest spiny dogfish. In 1992, landings were approximately 37.2 million pounds, but gradually increased to a peak of about 60 million pounds in 1996 (Figure 1). Landings declined to an average of around 40 million pounds in the late 1990s. After federal and state regulations were implemented, landings declined even further to approximately five million pounds in 2001 and 2002. For 2003 and 2004, U.S. commercial landings were 2.6 and 2.2 million pounds, respectively. Commercial landings continue to be dominated by catches of female dogfish, with female landings comprising about 98 percent of the total commercial catch in 2003 and 2004 (Figure 2).



As the U.S. commercial fishery has declined, other fishery management issues have become more significant. Canada's dogfish landings have increased and exceeded U.S. landings with about 7.5 million pounds landed in 2002, 2.8 million pounds landed in 2003, and 5.2 million pounds landed in 2004. While discards have decreased in parallel with U.S. landings, they are still a significant source of mortality on a stock that is trying to recover (Figure 1). In 2003, approximately 25 million pounds of spiny dogfish were discarded; by 2004, this amount had doubled to 53 million pounds. From the most current analysis, the majority of the estimated discards are coming from the Atlantic herring fishery. Until recently, there was never much of a recreational fishery for spiny dogfish, but in 2002, recreational landings were almost equivalent to the commercial landings at about 4.4 million pounds.



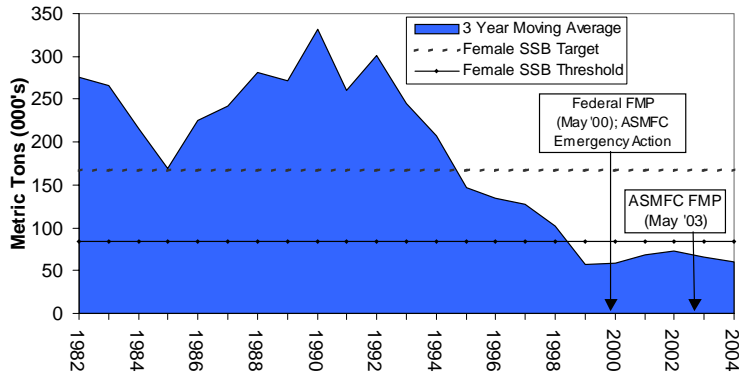
Stock Status

The most recent spiny dogfish stock assessment was peer reviewed during the 36th Stock Assessment Workshop in 2003 (Figure 3). The assessment included data through 2002. At that time, spiny dogfish were overfished, but overfishing was not occurring. During 2002, the fishing mortality rate was estimated to be approximately 0.09, which exceeds the rebuilding target by a factor of about three, but is below the threshold of 0.11. Data indicated the spawning stock biomass (SSB)

continued on page 6

Species Profile: Spiny Dogfish (continued from page 5)

Figure 3. Spiny Dogfish Female Spawning Stock Biomass (≥ 80 cm)
Source: 37th SARC 2003

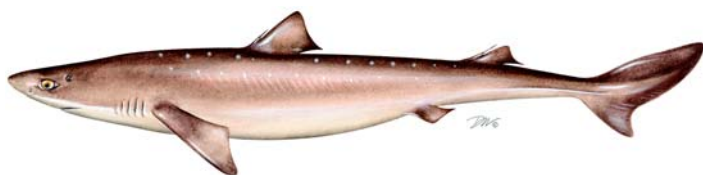


declined by about 75 percent since 1988 dropping to levels of 29 percent of the biomass target ($SSB_{target} = 200,000$ mt or 441 million pounds). Reductions in SSB cannot be replaced quickly due to the reproductive biology of spiny dogfish, and the current low level of SSB is expected to result in low recruitment for the next several years. Recruitment estimates from 1997 to 2003 represent the seven lowest values in the entire series. The most recent values for the fishing mortality rate have not been estimated, but for 2004, biomass estimates for spiny dogfish are approximately half of the target biomass. In 2006, spiny dogfish are scheduled to undergo a full benchmark stock assessment.

Atlantic Coastal Management Considerations

In 1998, the National Marine Fisheries Service declared spiny dogfish overfished, initiating the development of a joint fishery management plan (FMP) between the Mid-Atlantic and New England Fishery Management Councils. Under the federal FMP, a quota is established annually based on maintaining a constant fishing mortality rate of 0.03 and allocated between two seasonal periods. From May to October, there is a trip limit of 600 pounds and an allocation of 57.9% of the quota; from November to April, a trip limit of 300 pounds is available with 42.1% of the quota open for harvest. With federal regulations in place (for the EEZ only) for the 2000 - 2001 fishing year, the Commission approved an emergency rule to close the state waters fishery when the federal quota was harvested. Until the closure, trip limits and harvest from state waters remained unrestricted. At the same time, the Commission began development of an interstate FMP to complement the federal plan. The Interstate FMP was approved in late 2003 and implemented for the 2003-2004 fishing year. While the Commission's plan

continued on page 12



ASMFC to Initiate Atlantic Coastal Shark FMP

At its August 2005 meeting, the Commission approved the development of a new interstate fishery management plan (FMP) for Atlantic coastal sharks. The FMP is intended to complement current federal management actions under the Highly Migratory Species FMP. It is believed that coordinated state/federal management is a vital step towards establishing healthy self-sustaining populations of Atlantic coastal sharks. This is because (1) there is considerable overlap in the ranges, migrations, and mating and pupping areas of many Atlantic coastal sharks, (2) bays and estuaries are highly utilized by coastal sharks as nursery habitat, and (3) inconsistencies in shark management and enforcement concerns have hindered current shark rebuilding efforts.

Results of the 2002 small coastal sharks (SCS) stock assessment indicate that overfishing is occurring on finetooth sharks, while the three other species in the SCS complex (Atlantic sharpnose, bonnethead and blacknose) are not overfished and overfishing is not occurring. Results of the 2002 large coastal sharks (LCS) stock assessment indicate that the LCS complex is still overfished and overfishing is occurring. Further, the assessment found that sandbar sharks are no longer overfished though overfishing is still occurring and blacktip sharks are rebuilt and overfishing is not occurring.

Development of the new interstate FMP for Atlantic coastal sharks will be an 18-month to two year process. Important issues to be addressed will include coordination of season and area closures for the commercial fishery, recreational possession limits, prohibited species and dealer permits. The Commission is currently in the process of establishing a Coastal Sharks Advisory Panel, Plan Development Team and Technical Committee. For more information, please contact Ruth Christiansen, Fisheries Management Plan Coordinator, at <rchristiansen@asmfc.org>.



October 31 - November 3, 2005
 Marriott Seaview Resort & Spa
 401 South New York Road
 Galloway, New Jersey

PRELIMINARY SCHEDULE

The agenda is subject to change. The agenda reflects the current estimate of time required for scheduled meetings. The Commission may adjust this agenda in accordance with actual duration of Board meetings. Interested parties should anticipate Boards starting earlier or later than indicated herein.

<u>October 30, 2005</u>		8:30 AM - 1:00 PM	Law Enforcement Committee
4:00 PM - 7:00 PM	Registration	9:45 AM - 11:45 AM	Action Plan Workshop
<u>October 31, 2005</u>		1:00 PM - 3:00 PM	Spiny Dogfish & Coastal Shark Management Board
7:30 AM - 4:00 PM	Registration	3:15 PM - 5:00 PM	To be determined
8:00 AM - 10:30 AM	Atlantic Striped Bass Management Board	6:30 PM - 8:30 PM	Dinner
10:45 AM - 12:45 PM	American Eel Management Board	<u>November 2, 2005</u>	
12:45 PM - 2:00 PM	Legislators & Governors' Appointees	8:00 AM - 10:00 AM	Horseshoe Crab Management Board
2:00 PM - 6:00 PM	American Lobster Management Board	10:15 AM - 12:45 PM	Weakfish Management Board
3:00 PM - 6:00 PM	Management & Science Committee	1:00 PM - 2:00 PM	David H. Hart Award Luncheon
3:00 PM - 6:00 PM	Law Enforcement Committee	2:15 PM - 2:45 PM	Shad & River Herring Management Board
6:30 PM - 7:30 PM	Welcome Reception	3:00 PM - 6:00 PM	Summer Flounder, Scup & Black Sea Bass Management Board
<u>November 1, 2005</u>		<u>November 3, 2005</u>	
7:30 AM - 2:00 PM	Registration	8:00 AM - 9:00 AM	Executive Committee
7:30 AM - 9:30 AM	South Atlantic State/Federal Fisheries Management Board	9:15 AM - 12:15 PM	ISFMP Policy Board
8:30 AM - 1:00 PM	Management & Science Committee	12:30 PM - 1:00 PM	Business Session
		2:00 PM - 5:00 PM	ACCSP Coordinating Council



ASMFC Releases Draft Amendment 2 to the Atlantic Herring Plan for Public Comment: ASMFC & NEFMC to Conduct Joint Hearings in October

The Commission's Atlantic Herring Section has approved Draft Amendment 2 to the Interstate Fishery Management Plan (FMP) for

Atlantic Herring for public review and comment. The Draft Amendment was developed in order to maintain the resource's abundance level while balancing the needs of current and new interests in the fishery.

The latest stock assessment, conducted in 2003, indicated that the Atlantic herring resource was not overfished and overfishing was not occurring. Its current level of abundance and spawning stock biomass has generated an increasing level of competing demands for the resource stock-wide. These demands include maintaining traditional use patterns in the fishery, increasing the bait fishery, and protecting herring's role as forage in the northwest Atlantic ecosystem. Issues addressed in Draft Amendment 2 include management area boundaries, biological reference points, effort control measures, spawning areas and restrictions, research set-asides, bycatch, and the role of herring as forage.

The States of Maine, New Hampshire, Connecticut and New Jersey, and the Commonwealth of Massachusetts have scheduled the dates and times of their public hearings. The majority of these hearings will be held jointly with the New England Fishery Management Council as it solicits public input on Draft Amendment 1 and a Draft Supplemental Environmental Impact Statement (DSEIS) to the federal Atlantic Herring FMP. For those public hearings addressing both the Commission and Council amendments, public comments on the two amendments will be taken at separate times during the hearings. The details of the scheduled hearings follow:

New Hampshire Fish & Game

Tuesday, October 4, 2005; 7:00 PM

Urban Forestry Center
45 Elwyn Road

Portsmouth, New Hampshire

Contact: John Nelson at (603) 868-1096

*ASMFC hearing only

Maine Department of Marine Resources

Wednesday, October 12, 2005; 6:00 – 9:00 PM

Eastland Park Hotel

157 High Street

Portland, Maine

Contact: George Lapointe at (207) 624-6553

Thursday, October 13, 2005; 6:00 – 9:00 PM

Samoset Hotel

220 Warrenton Street

Rockport, Maine

Contact: George Lapointe at (207) 624-6553

Friday, October 14, 2005; 6:00 – 9:00 PM

Perry Elementary School

1587 US Route 1

Perry, Maine

Contact: George Lapointe at (207) 624-6553

Massachusetts Division of Marine Fisheries

Monday, October 17, 2005; 6:00 – 9:00 PM

Hampton Inn

1 Hampton Way

Fairhaven, Massachusetts

Contact: David Pierce at (617) 626-1532

Wednesday, October 19, 2005; 6:00 – 9:00 PM

Annisquam River Station

30 Emerson Avenue

Gloucester, Maine

Contact: David Pierce at (617) 626-1532

New Jersey Division of Fish and Wildlife

Thursday, October 20, 2005; 6:00 – 9:00 PM

Congress Hall

251 Beach Avenue

Cape May, New Jersey

Contact: Bruce Freeman at (609) 633-2408

Connecticut Dept. of Environmental Protection

Monday, October 24, 2005; 7:00 PM

Boating Education Center

333 Ferry Road

Old Lyme, Connecticut

Contact: Dave Simpson at (860) 434-6043

*ASMFC hearing only

The Commission's Atlantic Herring Section will meet in early November to review public comment on Draft Amendment 2 and consider its final approval. All interested parties are encouraged to provide input on Draft Amendment 2 either by attending public hearings or providing written comments.

continued on page 12

On the Legislative Front

109th Congress, 1st Session

Magnuson-Stevens Act Reauthorization (MSA)

On September 19, the Bush Administration released its bill to reauthorize the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Some of the highlights of the bill include the following provisions:

- Redirects fishery management policies towards an ecosystem-based approach;
- Strengthens use of scientific information by mandating a formalized scientific peer review during the fishery management council process;
- Eliminates overfishing as soon as possible, but no later than two years after the development of a rebuilding plan;
- Requires the Secretary of Commerce to establish and implement a uniform national program for registration of recreational fishermen in federal waters;
- Authorizes Councils to create “dedicated access privileges;”
- Proposes that vessel monitoring system data may be shared with enforcement officials of other agencies; and
- Redefines “bycatch” to include seabirds.

More information on the Administration’s MSA reauthorization bill is available at <http://www.nmfs.noaa.gov/msa2005>.

Endangered Species Act (ESA)

On September 29, the House passed H.R. 3824, Threatened and Endangered Species Recovery Act (TESRA) of 2005, introduced by House Resources Committee Chairman Richard Pombo (R-California) on September 19. Under the ESA, both the Secretary of Commerce (NOAA Fisheries) and Secretary of the Interior (U.S. Fish and Wildlife Service) have program responsibilities in carrying out the Act. One of the critical provisions of TESRA is the “transfer to the Secretary of the Interior all duties, resources, and responsibilities of the Secretary of Commerce under the Endangered Species Act of 1973 existing immediately before the enactment of this Act.” TESRA also amends the ESA by providing for the use of the “best available scientific data,” defined as “scien-

tific data, regardless of source, that are available to the Secretary at the time of a decision or

action for which such data are required by this Act and that the Secretary determines are the most accurate, reliable, and relevant for use in that decision or action,” in all decisions. TESRA repeals the “critical habitat” requirements in the ESA, and replaces the critical habitat program with an integrated recovery planning process. More information on TESRA is available at <http://resourcescommittee.house.gov/>.

Energy Bill

On September 28, the House Committee on Resources convened a full committee markup of The National Energy Supply Diversification and Disruption Prevention Act. The Committee approved the bill, which proposes increasing U.S. energy supplies, by a vote of 27-16. The bill includes provisions that did not survive in the final energy bill signed by President Bush in August 2005. The Outer Continental Shelf (OCS), which typically begins three miles beyond a state shoreline in most parts of the country, is currently off limits for new leases for oil and natural gas exploration off the Atlantic coast. One of the relevant highlights of this second energy bill is offshore oil and gas development. The bill allows natural gas production in areas of the OCS currently under moratorium and provides sharing of revenue, derived from energy leases, with the coastal states. More information on energy legislation is available at <http://resourcescommittee.house.gov/>. For more information, please contact Lena Kofas, Executive Assistant, at (202) 289-6400 or lkofas@asmfc.org.



Commercial Fishermen Sentenced to 18 Months in Prison for Illegally Catching and Selling Fish

Four men who had pled guilty to felony violations for illegally selling fish unlawfully caught in North Carolina, were sentenced on September 8, 2005, in Federal District Court in Raleigh. According to the indictment, which was returned by a Federal Grand Jury on January 5, 2005, the defendants,

Jonathon Midgett, Richard Moore, Chas Rowe, Matthew Huth, and Daniel Davis, were commercial fishermen in 2000 through 2001 in and around Manteo, North Carolina. The defendants landed their catch of striped bass, red drum, and tuna in North Carolina without properly reporting it as required

by North Carolina law, usually because their catch included fish that were out of season, undersized, or over the legal limits.

North Carolina prohibits fishing for certain species such as striped bass and red

continued on page 11



Joint ACCSP/GulfFIN Metadata Project Receives NMFS Funding

The National Marine Fisheries Service (NMFS) approved use of \$57,500 from national Fisheries Information System (FIS) funding for a joint proposal submitted by the Atlantic Coastal Cooperative Statistics Program (ACCSP) and Gulf Fisheries Information Networks (GulfFIN). The proposal provides for contract work to assemble documentation of fisheries-dependent statistics data collection programs conducted by ACCSP and GulfFIN partners.

Metadata are corollary or descriptive information that may qualify or explain primary data. Metadata have the ability to document and preserve institutional memory, add clarity to data, and put primary data into context. Metadata on data collection and management protocols and procedures are needed to properly interpret trend data concerning numbers of fish caught and kept by commercial, recreational and for-hire fisheries, biological samples, observer data, and socioeconomic surveys. It is also necessary to help scientists properly apply these data in their various stock assessment and other management models. In addition, the Data Quality Act of 2004 requires documentation of federally-funded data collection programs, which applies to many ACCSP and GulfFIN programs as they receive federal appropriations. The 2004-2008 ACCSP Implementation Plan ranks the partner program documentation application as the most important of all five metadata projects and ranked it number 20 out of the 78 projects in the plan.

InPort is a user-friendly tool to allow

standardized storage and display of program documentation at various levels of resolution. InPort was developed using NMFS FIS funds and NMFS will provide long-term hosting for the application. The ACCSP and GulfFIN programs evaluated InPort and are very impressed with its capabilities. The Operations Committee viewed a demonstration of the application at its July meeting and unanimously approved use for ACCSP. This will save significant time and funding for the regional programs and partners, and will benefit the establishment of the national FIS.

NMFS currently has a contract in place to provide information technology support associated with the national FIS. The funding for the joint ACCSP/GulfFIN metadata project will be added to that contract. The contractor will hire a biologist to initially populate InPort for existing programs and train ACCSP and partner staff on using the application. Atlantic coast programs to be documented will include: (1) commercial trip ticket systems for Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida, (2) the Standard Atlantic Fisheries Information System, and (3) Maine's biological sampling program.

Federal data collection programs will be documented in InPort at the same time through additional FIS funding. Those programs include Northeast and Southeast commercial dealer reporting, logbooks, and vessel trip reports, biological sampling, the Beaufort Head Boat Logbook Program, and other monitoring programs.

ACCSP and GulfFIN program staff will provide the contractor with contact information for the selected partner programs, coordinate assembly of existing documentation, and provide oversight to the contractor in conjunction with NMFS Office of Science and Technology. The project will begin this fall and proceed through August 2006.

About the ACCSP

The ACCSP is a cooperative state-federal program to design, implement, and conduct marine fisheries statistics data collection programs and to integrate those data into a single data management system that will meet the needs of fishery managers, scientists and fishermen. It is composed of representatives from natural resource management agencies coastwide, including the Commission, the three Atlantic fishery management councils, the 15 Atlantic states, the Potomac River Fisheries Commission, the DC Fisheries and Wildlife Division, NOAA Fisheries and the U.S. Fish & Wildlife Service. For more information please visit www.accsp.org.

Upcoming Meetings

10/19 - 20:

Operations Committee, Holiday Inn, 300 Woodbury Avenue, Portsmouth, New Hampshire.

11/3:

Coordinating Council, Marriott Seaview Resort & Spa, 401 South New York Road, Gallopway, New Jersey

Patrick Kilduff Awarded ASMFC Employee of the Quarter

In a little over a year and a half, Patrick Kilduff has become a vital part of the Commission's Science Program, significantly contributing to the Commission's vision of "healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015." In recognition of his efforts, Patrick was awarded Employee of the Quarter (July - September 2005). The award is intended to recognize special contributions and qualities in the areas of teamwork, initiative, responsibility, quality of work, positive attitude, and results.

As the lead staff person to the Management and Science Committee and the newly formed Stock Assessment Committee, he has assisted the Committees in a number of critically-important activities. Most notable are his efforts in

updating the Commission's data compilation, stock assessment and peer review process; preparing the multispecies assessment for peer review; and coordinating the technical review of stock assessment methodologies for American lobster and horseshoe crab, as well as peer reviews for lobster and tautog. He also coordinated a workshop on the use and impact of natural mortality in stock assessments and finalized a report on the impacts of power plant impingement and entrainment on Atlantic menhaden.

Patrick has Bachelor of Science in Biology from the University of West Florida and a Master of Science in Marine Sci-



ence from the College of William and Mary, Virginia Institute of Marine Science. As an Employee of the Quarter, he received a \$500 cash award, an engraved pewter pencil cup, and a letter of appreciation for his personnel record. In addition, his name will be engraved on the Employee of Quarter Plaque displayed in the Commission's lobby. Congratulations, Patrick!

Commercial Fishermen Sentenced to 18 Months in Prison for Illegally Catching and Selling Fish

drum during certain times of the year; requires that the fish be a certain size before they may be kept; and restricts the numbers of fish an individual may catch and sell. In addition, reporting commercial catch assists the state in its efforts to manage and regulate its fisheries resources. After catching the fish, the defendants would transport and sell it in Virginia, in violation of the Lacey Act, which prohibits the interstate transport or sale of fish that are illicit.

Jonathon Midgett was sentenced to 18 months imprisonment and three years supervised release on four felony Lacey Act violations for his catch and sale of over 1,900 pounds of striped bass, 340 pounds of red drum, and 450 pounds of tuna from June 13, 2000 through October 12, 2000. Midgett also forfeited to the government \$4,643 in illegal proceeds. Richard Moore was sentenced to eight months imprisonment,

four of which will be served in federal prison facility, four of which will be served in home detention with electronic monitoring, and three years supervised release, on three felony Lacey Act counts for his illegal catch and sale of over 900 pounds of striped bass from February 12, 2000 through February 26, 2000. Chas Rowe was sentenced to four months home detention, 100 hours of community service, and two years supervised release for two felony Lacey Act counts concerning his involvement with the catch and sale of over 1,200 pounds of striped bass and 250 pounds of red drum in September of 2000. Rowe forfeited to the government \$1,096 in illegal proceeds. Matthew Huth was sentenced to one year probation, 50 hours of community service, and forfeit \$1,400 in illegal proceeds for one misdemeanor Lacey Act violation concerning his role in the sale of over 450 pounds of tuna in June 2000. One de-

fendant, Daniel Davis, awaits sentencing on two felony Lacey Act violations for the sale of over 550 pounds of striped bass and 600 pounds of red drum in late 2000.

Commenting on the convictions, Frank D. Whitney, United States Attorney for the Eastern District of North Carolina, said, "These sentences demonstrate that poachers who harvest fish out of season and over legal limits will be punished so that we can continue to protect North Carolina's fishing industry."

The investigation was conducted jointly by the NOAA Fisheries Office of Law Enforcement, the U.S. Fish and Wildlife Service, and the Virginia Marine Police Special Investigative Unit. The case was prosecuted by the U. S. Attorney's Office for the Eastern District of North Carolina and the Environmental Crimes Section of the U. S. Department of Justice. For more information, please contact (919)856-4530.

Draft Atlantic Herring Amendment 2 Available for Public Comment (continued from page 8)

Copies of Draft Amendment 2 can be obtained via the Commission's website at www.asmf.org under Breaking News or by contacting the Commission at (202) 289-6400. Public comment on the Commission's Draft Amendment 2 will be accepted until **5:00 PM on November 7, 2005** and should be forwarded to Ruth Christiansen, Atlantic Herring FMP Coordinator, at 1444 'Eye' Street, NW, Sixth Floor, Washington, DC 20005; (202) 289-6051 (fax) or comments@asmfc.org (Subject line: Atlantic herring). For more information, please contact Ruth Christiansen at rchristiansen@asmfc.org.

Copies of the Council's Draft Amendment 1, DSEIS, and public hearing document are available on the Council's website at www.nefmc.org or by contacting the Council at (978) 465-0492. For more information on the Council's documents or process, please contact Lori Steele at (978) 465-0492.

Atlantic States Marine Fisheries Commission
1444 Eye Street, N.W., 6th Floor
Washington D.C. 20005

Return Service Requested

Species Profile: Spiny Dogfish (continued from page 6)

matches the federal plan in many ways, it differs in that the state must payback any seasonal quota overages and provides a separate allocation for biomedical research.

At its February 2005 meeting, the Commission's Spiny Dogfish Management Board approved development of Addendum 1 to the Interstate FMP for Spiny Dogfish. Under the current management system, the specification of commercial quotas and trip limits are conducted every year and apply only to the following fishing year. The Addendum proposes an option that would allow the Board to set total allowable landings (TALs) for up to five years. The Addendum's intent is to streamline the annual specification process for spiny dogfish, thereby, reducing administrative costs while also providing fishermen with the ability to set long-term business plans and goals for their fishery operations. The Draft Addendum was released in September for public review and comment. The Board is scheduled to meet in early November to consider public comment and take final action on the Addendum. Implementation is planned for the 2006-2007 fishing year. For more information, please contact Ruth Christiansen, Fisheries Management Plan Coordinator, at (202) 289-6400 or rchristiansen@asmfc.org.