

East Coast Shifting Stocks: Who Manages What?
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One of the guiding principles of the Fisheries Management and Conservation Act of 1976, later to become the Magnusson/Stevens Act, was that fishermen would be involved in the management of the species off of their coasts. Each of the eight regional fishery management councils was assigned species to manage based on the distribution of the stocks in 1977. Many stocks have shifted since then.

In 1977, black sea bass were abundant in the waters of Virginia to New York. They were rarely seen in the waters of Southern New England. Today, black sea bass are more abundant than cod in Connecticut, Rhode Island and Massachusetts waters. Research also has demonstrated a two hundred and fifty-mile northeastern shift of the center of the summer flounder stock and scup.

These species—which were always found in Southern New England in limited quantity—have essentially abandoned the waters of Virginia and Maryland, and are now concentrated in the region of New Jersey to Massachusetts. Yet, the fishermen of Connecticut, Rhode Island and Massachusetts are not included when the final fishery management recommendations for these species are transmitted to the U.S. Secretary of Commerce for implementation. True, the New England Fishery Management Council liaison is permitted to represent the Southern New England region at meetings of the Mid-Atlantic Fishery Management Council and meetings of the Demersal Committee. However, that same liaison is not permitted to vote in full Council when the final recommendations are transmitted to the Secretary of Commerce. It is for this reason that, in recent years, Rhode Island has requested to be added to Mid-Atlantic Fishery Management Council.

Other stocks have a southern distribution. Virginia and New Jersey have significant scallop fisheries. Yet neither state, as a member of the Mid-Atlantic Council, can vote on the final recommendations of scallop fishery—it is the New England Council that has been assigned scallops. The Mid-Atlantic Council has voting representation on the New England scallop committee, but when final scallop recommendations to the Secretary of Commerce are decided members of the Mid-Atlantic Council are not permitted to vote, just as the New England representatives on the Mid-Atlantic Demersal committee cannot vote on the final recommendations.

Shifting stocks are creating situations where fishermen are not involved in the final recommendations of the fisheries off of their shores. Fisheries management has not been adaptive to changes in stock abundance and distribution.

How to solve this dilemma without adding more states to each of the regional councils?

One solution would be to change the voting structure for the final recommendations of each species. For example, when the Mid-Atlantic Council meets to manage black seabass, summer flounder or scup, the members of the New England Council representing the states of Connecticut, Rhode Island and Massachusetts could be included in all discussions and votes. The same process could be applied to the scallop fishery. The fishery would continue to be managed by the New England Council but all discussions, debate and final recommendations would include the states of New Jersey and Virginia.

Should this process be adopted it could also be applied to the monkfish and spiny dogfish plans. The joint plans could be eliminated and each Council would administer one of the plans, as they do now; New England would continue to manage monkfish and the Mid-Atlantic would continue to manage spiny dogfish. The only change would be that the final monkfish actions at the New England Council would include the Council members from the states with an active monkfish fishery, such as New York and New Jersey. The final spiny dogfish actions at the Mid-Atlantic council would include those New England states with active dogfish fisheries, currently Rhode Island and Massachusetts.

The costs associated with members attending meetings outside of their Council region would be assumed by the Council to which the members are assigned; the same as the current process associated with liaisons attending meetings of their neighboring Councils.

For this process to occur the current language in the Magnusson/Stevens Act would have to be changed; how?

Section 302 of the Magnusson/Stevens Act (16 U.S.C. § 1852) defines voting members of a Council as: 1) the principal state official for marine fishery management in each constituent state of the Council, 2) the National Marine Fisheries Service Regional Administrator or designee, and 3) members required to be appointed by Secretary of Commerce. Language would have to be added to the Act stating that for actions regarding a particular species, the Secretary would have the ability to add a state or states with an active fishery for that species to the Council managing that species for decisions regarding management actions. Criteria for a state to be assigned voting rights on a second Council would have to be established, and the assignment of a particular state to a second Council would have to be reviewed every five to ten years.

This change would preserve each of the individual Councils' autonomy and at the same time allow fishermen to have the ability to manage the fishery that occurs offshore of their state. As stocks continue to shift their ranges changes must be made to allow effected fishermen to participate in the management process.

