

taken at such time as funds and personnel are available. At this meeting the Commission also went on record in the form of a resolution to the U. S. Fish and Wildlife Service as favoring the substituting of shrimp for shark in the initial program of exploratory commercial fishing and suggested that strenuous effort be made to locate off-shore concentrations of shrimp in the waters of the Gulf contiguous to the coast lines of the five compacted states.

At the special New Orleans meeting of the Commission's Committee to Correlate Research and Exploratory Data and the Committee to Correlate Fisheries Laws, together with representatives of the Fish and Wildlife Service, a draft of proposed shrimp regulations was developed and approved for consideration at the annual meeting. Also, and in line with the establishing of joint regulations, a resolution was adopted at this Committee meeting, for possible approval by the Commission at the annual conference, recommending to the Governors and legislatures of the compacted states the enactment of laws permitting entry of the states into reciprocal agreements with one another affecting shrimp, oysters and fish.

The first annual meeting of the Commission was held at New Orleans October 19th and 20th. The principal concern of the Commissioners at the annual meeting was to study the proposed regulations in the form as recommended by the biologists and, from industry, to learn its opinion of the economic effect the application of such regulations would have upon the shrimp industry. In executive session, the Commissioners decided additional information of a purely economic nature was desirable before uniform shrimp regulations would be recommended to the several states. Ranking second in importance at the conference was the matter of reciprocal agreements among the states. It was decided that this subject should likewise receive further consideration from an economic standpoint. Both the suggested shrimp regulations and the matter of reciprocal agreements were to be the principal topics for consideration at the next meeting of the Commission, which was voted to be held at Brownsville, Texas, on January 11th and 12th, 1951.

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## **The Atlantic States Marine Fisheries Commission: A Progress Report**

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### ***I. The Treaty On The Northwestern Atlantic Fisheries***

WHEN WE MET LAST YEAR, I had the privilege of reporting to you upon the International Conference relating to the fisheries of the Northwestern Atlantic, which represented a new high in federal-state cooperation. We reviewed the events leading up to the International Conference, the part played in them and in the conference by the Commission and the cordial cooperation of the Department of State. As a result of this close integration and on the assurance that the jurisdiction of the states would be protected by an adequate safeguarding clause, the Atlantic States Marine Fisheries Commission requested the Commissioners and Attorneys General of the fifteen member states, through their respective Governors, to secure the support of their United States Senators for

the speedy ratification of the International Convention. It was so ratified in record time and without a dissenting vote.

It is important to remember these facts, for our Commission could very easily have blocked consent and dragged out the matter of ratification for years, as has occurred in connection with other fishery treaties, until the implementing legislation had been agreed to in definite political commitments satisfactory to our several states. Instead we put our faith in the State Department and worked diligently and successfully to secure prompt ratification of the treaty relying upon the following language in the draft of the implementing legislation to protect state jurisdiction, Section 8 of which read, "Nothing in this Act nor in the convention shall be construed to impair the fishery jurisdiction of the several States, nor to prevent in any way the several States from giving protection to stocks of fish not covered by regulations adopted by the United States pursuant to proposals of the Commission, nor from giving additional protection to those stocks of fish covered by such regulations."

Even before the implementing legislation was introduced, certain industry groups began their attack upon it. They professed to see in the safeguarding clause, Section 8, which I have just quoted, some hidden and nefarious device for extending state jurisdiction though no such purpose was intended. When the bill came up for hearing, they renewed their attack and succeeded in getting the subcommittee and the Senate committee to strike out the safeguarding clause and in that form the bill passed the Senate. The Senate Committee in its report, however, pointed out that "none of the provisions of the bill or the convention was intended to or does in fact change in any way the status quo of distribution of federal-state jurisdiction over the fisheries."

The House Committee, after hearing the same objectors, and the states, voted to restore the safeguarding section in a modified form Section 8(d) which reads, "Nothing in this Act shall be construed to limit or add to the authority of the individual states to exercise their sovereignty within the presently defined limits of the territorial waters of the respective states." The bill with the revised Section 8(d) passed the House and was concurred in by the Senate and signed by the President.

As stated by the House Committee in its report. "The purpose of the amendment is to state clearly that neither the bill nor the convention is intended to change in any way the powers the states now have over their territorial waters. This is the intent of the words 'to limit or to add to.'"

Although the language of the section and the Committee report are not exactly as suggested by the Commission, they do make it clear that the intent of the amendment is to preserve current state jurisdiction or as the Senate report put it to preserve "the status quo of federal-state jurisdiction over the fisheries."

It is, also, significant that the same interests failed completely in their efforts to block the passage and signature of HR 7887, which granted the consent of Congress to an amendment to the Atlantic States Marine Fisheries Compact, permitting two or more states to act jointly through a special section of the Commission to do together what they may now lawfully do separately with respect to fisheries in which they have a common interest.

The act does not increase the jurisdiction of the states in any way, as the opponents alleged it would. The power to act jointly had been included in the Gulf States Maine Fisheries Compact, previously consented to by the Congress and HR 7887 merely gave similar permission to the states in the Atlantic States Maine Fisheries Compact.

In connection with the passage of these two measures the Atlantic States Commission received and gratefully acknowledges the fine support accorded to it by several agencies particularly by the Gulf States Commission.

In view of what transpired in this case it would seem wise for the states, in the future, to insist that implementing legislation for any treaty that affects state jurisdiction be acted upon *at the same time as the treaty* and that ratification be contingent upon the simultaneous passage of satisfactory implementing legislation.

## **II. Pollution Study**

Special mention should be made of a Pollution Study being conducted by our Commission under a grant in aid made available to us by the U. S. Public Health Service, under Public Law 845-80th Congress. This study is limited to the economic aspects of pollution that affect the fisheries. It does not encroach on the field of the federal, state or interstate public health agencies, but is an attempt to supply economic data which should be of value to them in determining priorities for future pollution control projects. The project by special arrangement is being conducted for the Commission by the U. S. Fish and Wildlife Service, through a small staff operating from Boston.

The first phase of the work involves a summary of past pollution control efforts in each state. The second will be a more detailed study of the economic factors involved, and the third will be an appraisal of relative urgencies to be submitted to the authorities in whose jurisdiction the solutions lie.

Up to date all fifteen states have been visited. Preliminary draft reports have been submitted for review and criticism to officials of Maine, New Hampshire, Massachusetts, Rhode Island, Virginia, and North Carolina. Recommended changes have been made in three of these and are in process in the other three. Drafts for Connecticut, Maryland, South Carolina, and Florida have been forwarded for review and criticism. Drafts for New York, New Jersey, and Delaware are nearing completion and will be forwarded for criticism soon. Work is continuing on the preliminary material for Pennsylvania and Georgia.

## **III. Other Matters**

Delaware and New Jersey are becoming interested in state catch statistics, which have been recommended by the Commission since its establishment in 1942.

After a number of meetings, it became evident that the Committee on Co-ordinated Fisheries Research was hopelessly divided in its opinions and in consequence, the annual meeting, last June, discharged the Committee with a special vote of thanks for its efforts in a difficult field. The different approaches to fisheries research now developing on the Gulf and Pacific Coasts, will be studied and perhaps may afford some basis for a future Committee to work upon.

Because much of the work of the Commission is done by sections, it may be advantageous to review the year's work briefly by sections.

### **North Atlantic Section**

The North Atlantic Section has continued its interest in and study of the lobster, but shortages of both state and federal funds for research have precluded any active development of the program recommended by the Lobster Committee last year.

As an outgrowth of its study of the haddock, the Section urged and the

Commission appointed a Committee on Minimum Sizes, which in turn asked the Fish and Wildlife Service to make recommendations for various species. For haddock the Service recommended a minimum legal market size of 16½ inches measured from tip of snout to fork of tail with a tolerance of 5% by number or 2% by weight in a given catch. The Service also recommended a mesh size 4 5/8 inches stretched measure while fished, for the top of the cod end and an exemption for vessels of 50 tons or under.

For yellow tail flounder, the Service recommended a minimum size limit of 11 inches with a 5% tolerance of 5% by number. All these recommendations are under consideration by the Section and it is possible that some of them may be recommended to the several states at forthcoming legislative sessions. No recommendations were made for the control of the so-called "trash fishery," because it may be serving a useful purpose by converting to fish meal quantities of hitherto unutilized and largely inedible species, which serve as competitors of valuable food fish.

The clam study conducted by the Fish and Wildlife Service, under a grant of funds sponsored by this Commission is progressing at various places along the coast, namely Boothbay Harbor, Me., Newburyport, Mass., Wickford, R. I., and Cape May, N. J. Studies sponsored by state funds are advancing in Maine, Massachusetts, and New Jersey, and interest is developing in Maryland, Virginia, and South Carolina.

Continued difficulty is being experienced by the Service in identifying causes of mass mortalities of soft-shell clams in the Newburyport area, but elsewhere the studies are moving forward on schedule. The Newburyport situation has proven baffling, but research reveals that similar mass mortalities occurred in previous years and may possibly be correlated with periods of abnormally high temperatures.

The Atlantic Salmon Research in Maine is progressing on schedule but this fish has a life cycle believed to be approximately 10 years from egg to spawning run which complicates the situation for the biologists, who must develop a scientific conservation program.

Plans are afoot for a nationwide advertising campaign with respect to the sardine, financed by the industry in Maine. In the meantime, the Co-operative Sardine Program financed by the industry, Maine's Department of Sea and Shore Fisheries and the Fish and Wildlife Service, is progressing with its biological research. The department in Maine is also tagging sea scallops and smelt.

On recommendation of a special Commission, appointed by Governor Dever of Massachusetts, there has been developed a program for freezing fish in the round at sea. This proposal was endorsed by the North Atlantic Section and by the whole Commission and funds therefore have been appropriated by the Congress. The work will center in Boston where a special unit of the Fish and Wildlife Service is being developed for that purpose.

A program of exploratory fishing for tuna in the Gulf of Maine, sponsored by the State of Maine, endorsed by the North Atlantic Section and by the Commission, has also been approved and special funds appropriated therefore. Both these programs will be underway soon.

The Striped Bass Committee, though not strictly related to the North Atlantic Section, originated there. Under the leadership of Henry Lyman, editor of the *Saltwater Sportsman* and with the cooperation of the Bingham Oceanographic Institute at Yale University, the Committee has arranged to publish a compilation of all the existing scientific material relating to this species. This compilation

is the work of Dr. Edward C. Rancy, of Cornell University, for which funds were made available by the Massachusetts Fish and Game Association. A Striped Bass Tagging Program, sponsored by the F & M Schaefer Brewing Co. and the *Saltwater Sportsman*, is continuing and producing interesting results.

#### *Middle Atlantic Section*

The coastwise shad study, being conducted by the Fish and Wildlife Service under a Congressional grant, secured by this Commission, instituted a pilot study in the Hudson River in 1950, which will be followed by work in the Connecticut and Delaware Rivers and in Chesapeake Bay. Whether or not pollution is a factor in the decline in the Hudson River as it is believed to have been in the Delaware, is a matter to which the biologists are giving some attention.

Of particular interest both to the North Atlantic Section and to the Middle Atlantic Section is a special study to the course travelled by shad through the fish ladders in the Bonneville Dam on the Pacific Coast, the only place where shad have been known to ascend a fish ladder. From the experience gained in this study, it is hoped that suitable designs can be developed for fish ladders acceptable to shad on the Atlantic Coast. The Holyoke Power Company, now contemplating a rebuilding of one of its dams on the Connecticut River, is reported to have indicated its readiness to incorporate such a ladder in any reconstruction it may undertake. Of even greater importance, is the matter of fish ladders for shad in connection with new dams on the Delaware River, proposed by the engineers, employed by the Interstate Commission on the Delaware River Basin, for the purpose of developing a joint potable water supply for the people of that Basin.

In connection with the joint effort to bring about the restoration of the once great Delaware River shad run, the Section asked the Fish and Wildlife Service for an opinion as to the effects of the erection of dams across the Delaware River. The report made by the Service, pointing out the probable effect of each of the proposed dams has been filed with the Interstate Commission on the Delaware River Basin. That Commission has assured the Atlantic States Commission of its interest in the restoration of the shad and of its willingness to recommend any reasonable construction necessary to facilitate the return of the shad.

Studies on Delaware River shad have been deferred till next year pending the results of the pilot study in the Hudson. Meantime, New Jersey and Delaware Commissioners and fishing interests are trying to work out amendments to the Delaware River Shad Management Act which was adopted last year by Pennsylvania, but which is still to be acted on by Delaware and New Jersey.

The Commissioners of Delaware and New Jersey, at two recent meetings, have also been seeking agreement upon the regulations to be applied to the fisheries of Delaware River and Bay, lying between the two states.

Significant advance has been made in Delaware through the establishment of a new fisheries research agency at the University of Delaware, which unit is headed by Dr. L. Eugene Cronin, formerly with the Chesapeake Biological Laboratory at Solomons, Maryland. New Jersey has also increased its scientific personnel. Dr. A. Eaton Underhill has become director of the Division of Fish and Game and Dr. James R. Westman, formerly with the Department of Conservation in New York, has joined the staff of Rutgers University, which is cooperating in several research programs.

The question of the disposal of dilute sulphuric acid waste at sea off the New Jersey coast has caused considerable commotion in the last few years, and in our annual reports there have been presented brief summaries of the findings of the Woods Hole Oceanographic Institution and the U. S. Fish and Wildlife Service, indicating that no serious damage to the fisheries has yet been found. Several reports issued by the Fish and Wildlife Service during the past year covering the results of drift bottle experiments and observations on the effect of such sulphuric acid waste disposal have tended to confirm earlier reports.

Interest in the adoption for a uniform size limit for fluke is increasing. It appears likely that New Jersey may adopt a 14 inch limit and that New York in such event may revise her 15 inch limit downward to 14 inches for the sake of uniformity.

### **Chesapeake Bay Section**

The joint crab study, undertaken by a Committee representing the Virginia Fisheries Laboratory, the Chesapeake Biological Laboratory, in Maryland, and the Fish and Wildlife Service is continuing, and important tabulations of old and new data are being made.

A joint croaker study has been initiated by Maryland, Virginia, and North Carolina, which it is expected will be augmented by studies by the Fish and Wildlife Service, under recent appropriations sponsored by the Virginia Fisheries Association and endorsed by our Commission on recommendation of its Chesapeake Section.

An illustration of the cooperation existing between Maryland and Virginia, so often mistakenly believed to be in hopeless antagonism, was the operation of the fish hatchery of Fort Belvoir, Virginia by the Maryland officials and the planting of the resultant fry in Maryland waters. Both states joined to establish the Chesapeake Bay Institute, several years ago, and the Institute is now in full swing, and in 1950 launched its new research vessel the *Maury* for hydrographic and biological work in Chesapeake Bay. The Institute is financed jointly by Maryland and Virginia, with assistance from the United States Navy's office of Naval Research.

Although Maryland did and Virginia did not adopt the recommendations of their joint commission, to create an overall Chesapeake Bay authority for the regulation of the fisheries, the two states in the Bay are continuing to discuss their joint problems in the Bay and both joined in asking their respective legislators to introduce and work for the passage of amendment Number 1 to the Atlantic States Marine Fisheries Compact.

### **South Atlantic Section**

At the meeting of the South Atlantic Section held in connection with the second meeting of the Gulf and Caribbean Fisheries Institute, November 16, 1949, two important resolutions were adopted. The first of these called for a joint federal-state cooperative program aimed to accomplish the following objectives:

1. The development by the four states of adequate systems of comparable catch statistics, with interim provision for the collection of such catch statistics by the Fish and Wildlife Service while the state systems are being developed.
2. Year round operation of suitable craft for the conduct of necessary biologic, hydrographic, and other basic oceanographic investigations and the con-

duct of exploratory fishing operations to be conducted by scientific and technical staffs provided jointly by the Fish and Wildlife Service and the scientific agencies of the cooperating states.

3. A similar cooperative continuing program for the compilation, and appraisal of past and current scientific data of all kinds affecting the fisheries of the South Atlantic Section and for the regular distribution of such material to the cooperating federal and state agencies and institutions and the industry.

The second resolution asked the Congress to make available funds to bring up to date fisheries statistics in the South Atlantic Section with a lesser amount when the state systems of statistics are functioning successfully. It also requested the four states in the South Atlantic Section to appropriate annually such sums as are necessary to initiate and maintain adequate permanent state systems of catch statistics. It also asked the Fish and Wildlife Service to acquire by transfer a suitable research vessel or vessels and that the Congress appropriate adequate funds to operate such craft on a year round basis and to provide a substantial number of the scientific personnel required. At the same time the resolution asked the four states, through their fishery agencies and laboratories, to provide sufficient state personnel to work with federal personnel for the achievement of the joint program. The South Carolina legislature met in regular session last year, but took no steps in this direction. Neither did Georgia, whose legislature met in an extension of its 1949 session. The forthcoming sessions of the legislatures in all four states in 1951, therefore, present the first genuine opportunity to test the willingness of the states to cooperate along the lines recommended by their Commissioners at your meeting a year ago.

During 1950, the studies of the shrimp of North Carolina by the Institute of Fisheries Research of that state, developed new data, which have been reported to an informal group of federal and state biologists meeting here early this week. Their conclusions were transmitted to a meeting of the South Atlantic Section held on Tuesday evening here at this conference. The Section after a full discussion voted to reaffirm its previous shrimp program, but agreed to ask its four constituent states as a first step to adopt a uniform closed season from January 1 to March 14 inclusive, for the outside waters from Frying Pan Shoals, N. C. south to the St. John's River, Fla. This area, including the whole coast line of South Carolina and Georgia, the northern part of Florida and the southern part of North Carolina requires similar treatment.

In Florida, South Carolina and Georgia, the inside bays and sounds are now closed all year, although from the standpoints of biology and economics they can safely be opened 7½ months of the year when public opinion is ready to support such a move. Until that time these waters and the adjoining North Carolina inside waters should be treated uniformly. North of Cape Fear special conditions have been found to justify the present closing of the inside waters from January 1 to June 30.

The Section also received reports from the U. S. Fish and Wildlife Service as to the steps which have been taken to make effective the joint federal-state fisheries research program in the offshore waters of the South Atlantic States, which was adopted by the Section last year.

Curtailement of non-military expenditures due to the rearmament program has necessitated some postponement of the original program, but material progress has been made in the development of better catch statistics under the joint program, particularly in Florida.