

Activities of the Atlantic States Marine Fisheries Commission

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In a report last November, the results of the controversy over the language of the enabling act to implement the International Treaty on the Northwest Atlantic Fisheries were summarized and it was pointed out how essential it is, in connection with any future treaties, that ratification of the Treaty be contingent upon the simultaneous passage of satisfactory implementing legislation adequately protecting state jurisdiction. While it is true that the enabling legislation finally adopted with respect to the Northwest Atlantic Fisheries does preserve current state jurisdiction, the result was achieved only after much effort and expense, which could have been avoided had ratification and implementing legislation been adopted at the same time.

On December 12, 1950 it was the writer's privilege to present to the Association of Attorneys General, meeting in this city a joint paper, with Special Advisor, Frederick L. Zimmerman, entitled "Impact of Treaties on the Conservation Laws of the States." In that paper attention was called to the importance of protecting the states by simultaneous action on a treaty and its enabling legislation. It is hoped that the procedure recommended may become the practice in the future.

During the past year much time and effort has been expended on the Pollution Study Project. Copies of tentative draft reports covering 14 of the 15 states along the Atlantic Coast were mimeographed and distributed for criticism and correction to the Commissioners, state, health, and fishery officials, interstate sanitation agencies, the U. S. Fish & Wildlife Service, and the U. S. Public Health Service. These covered past efforts by the states to identify, evaluate and correct sources of pollution, particularly industrial pollution, that harm or threaten to harm the marine fisheries. As corrections come in, these are being incorporated and redistributed to all who received the tentative drafts. Whether these reports will be published or simply kept as office records by the cooperating agencies has not yet been decided.

Meanwhile, the small Project staff is working on Phase 2 of the Project which is concerned with the estimation of the value of the fisheries affected by industrial pollution and the calculation of the annual monetary loss resulting therefrom.

In the North Atlantic Section, Maine is studying the lobster, sampling the size and composition of the commercial catch, the damage done by the marine borer, the effects of the infestation of lobster pounds by red tail, and the use of artificial sea water for keeping lobsters alive for inland shipment. The clam investigations, originating in the North Atlantic Section of the Commission and financed by Congressional appropriations, are continuing to develop scientific data on which to rest a program of rehabilitation. Wire fences have been found effective against the predator, horseshoe crabs, but not against small green crabs, or the drill, *Polynices*. Spawning and setting studies have been made as part of the study on the practicability of clam farming. Studies of the mass mortality of 1949 suggest minute parasites as a possible cause. The subject is exceedingly complex and numerous studies must still be made before a sound conservation program can be evolved.

Studies on the Atlantic salmon are continuing. Maine is also studying the

sea scallop, herring and smelt. Two new Fish & Wildlife Service projects financed by Congressional appropriations with the endorsement of this Section and the Commission are now in operation. These are freezing in the round at sea and exploratory fishing for tuna, the latter operating in two units, one in the north, the other in the south. The freezing project operates out of East Boston with the former trawler *Delaware*, recently refitted with specially designed quick freezing equipment. The northern unit of the exploratory fishing project also operates out of East Boston with a chartered vessel. The southern unit is operated jointly by the Fish & Wildlife Service and the Blue Channel Corporation of Beaufort, S. C. Both projects have been experimenting with different types of gear and have been scouting their respective areas to determine if tuna fish of marketable size and quantity are to be found therein.

The shad investigations sponsored by the Commission cover the coast but are currently concentrated in the Middle Atlantic Section, particularly in the Hudson River which has been used as a pilot study. Operations, however, have been wide. The Service has just issued two reports "A Survey of Former Shad Streams in Maine" and "Fishways that Shad Ascend." Next year efforts will be concentrated in Delaware River and Bay and in Chesapeake Bay. Meantime, some work has been done in the Merrimack, Connecticut, Delaware, Susquehanna, and various Georgia Rivers and in Winyah and Chesapeake Bays.

The Middle Atlantic Section is still trying to bring about closer cooperation between New Jersey and Delaware with respect to fishery laws of Delaware Bay. New Jersey recently modified its "no netting law" with respect to striped bass to permit the retention of legal sized striped bass caught in licensed shad nets during February, March and April. Funds for fisheries research have been voted by Delaware and a laboratory has been set up at Lewes, in cooperation with the University of Delaware. One excellent example of federal-state cooperation is the appropriation of \$20,000 by the Commonwealth of Pennsylvania for a joint study with the Fish & Wildlife Service of the migration of shad in the Susquehanna River in connection with the overall shad study now under way by the Service.

The Chesapeake Bay Section has held three meetings during the past year and one is scheduled for December 5. Some progress appears to have been made by Maryland and Virginia toward a solution of their joint problems on the Potomac River, but no proposals have yet been formulated. Meanwhile, in spite of insufficient funds, cordial cooperative effort continues among the two state laboratories and the Fish & Wildlife Service in their joint studies of blue crab, croaker, and shad.

With North Carolina participating, the Chesapeake Bay States, Maryland and Virginia, recently investigated charges that shrimp fishing operations in Pamlico Sound were damaging the croaker stocks which are important to Maryland and Virginia fisheries. A special technical advisory committee comprised of representatives of the fishery laboratories of Maryland, Virginia, North Carolina, South Carolina, and the U. S. Fish & Wildlife Service on November 1, 1951 at Baltimore, reported to the Section that there is no evidence that shrimping operations in Pamlico Sound adversely affect the croaker fisheries of Maryland and Virginia. They further reported no proof of interchange of croakers between the two areas but recommended further study to discover causes of recent declines in croaker production in the two areas and studies of migration, etc. Until such studies reveal a need

therefor, they also recommend no restrictions on the Pamlico Sound shrimping operations.

The South Atlantic Section at its meeting in New York, September 7, voted to recommend that each of the four states in the Section impose on out-of-state boats the same license fee as is charged for in-state boats. This will be a long step forward in interstate cooperation if the recommendation is accepted by the legislatures of the four states. The states will still have to determine the conservation regulations to be applied to the "inside waters" in bays and sounds and the "outside waters" of the maritime belt. That these regulations may differ has long been established. A special committee of the whole Commission is now being organized for the purpose of determining in what ways the U. S. Supreme Court decision in *Toomer v. Witsell* permits proper variations in treatment of out-of-state licenses in their operations in these different waters.

The joint federal-state program for fishery research in the South Atlantic Section initiated by the Section two years ago has lagged for want of both state and federal funds. Some federal funds are now available. The Section met on November 12 and a committee of state and federal scientists met again on Nov. 13 for the purpose of discussing these problems. Until their conclusions are made public, little more can be said on this point. One thing is already evident. It would clearly be to the advantage of South Carolina, Georgia, and Florida to adopt Amendment No. 1 to the Atlantic Fisheries Compact. This amendment would permit two or more states having an interest in a common fishery to act jointly through a special section of the Commission. The Amendment has been adopted by Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, and North Carolina and consented to by the Congress. It might be very useful in handling a joint problem like the management of the South Atlantic shrimp fishery.

The Atlantic States Marine Fisheries Commission has now completed ten years of existence. Much has been accomplished by the cooperating states in that period; much is still in process and much remains to be done. The concept of the Compact under which the Commission functions is that of a long term continuing operation. The Commission is an advisory body only. The achievements that flow from it are those of its member states.

The Effect of Fluctuations in the Availability of Sharks on a Shark Fishery

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From 1936 to 1950 the shark fishery of south Florida operated continuously, except for a break of a few months in 1939 and 1949 due to over-production. Records of the catch at the Salerno fishing station were made as a standardized routine from the beginning of January 1938 through December 1946, for use by the original station operators, Shark Fisheries, Inc., and its successors, Shark Industries, Inc., and Shark Industries Division of the Border Company. Information on the number, size and kind of sharks in each catch was recorded daily on a standard form which was used as a basis for weekly payments to fishermen, and, along with other information,