

Just How Do You Write and Implement One of Those Fishery Management Plans Anyway?

GREGG T. WAUGH

Deputy Executive Director,

South Atlantic Fishery Management Council

1 Southpark Circle, Suite 306

Charleston, SC 29406-4699

(803)571-4366; FAX (803)769-4520

ABSTRACT

The South Atlantic Fishery Management Council is responsible for management of the fishery resources in the South Atlantic in federal waters off the states of North Carolina through the Florida East Coast. The Council process was created in 1976, and the first fishery management plan written by the South Atlantic Council covered the snapper grouper fishery which was implemented in 1983. The Council is currently working on Amendments Numbers 8 and 9 to the snapper grouper fishery management plan as well as a number of other plans and amendments.

Based on 15 years experience, the process of writing and more importantly implementing fishery management plans is described. Involving fishermen in the process through advisory panels, scientists through scientific and statistical committees and the general public through open meetings and public hearings is described.

Keywords: fishery management plans, Magnuson Act.

INTRODUCTION

In 1976 Congress passed Public Law 94-265, the Fishery Conservation and Management Act (Magnuson Act) which extended U.S. jurisdiction of fisheries out to 200 miles and established a new form of regional government by creating eight regional fishery management councils. The role of the councils is to develop fishery management plans to manage domestic and foreign fishing within the 200-mile limit. The South Atlantic Fishery Management Council conserves and manages fish stocks within 3-200 miles off the Atlantic Coast of North Carolina, South Carolina, Georgia and Florida. The Magnuson Act specified seven national standards for fishery conservation and management:

1. Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the U.S. fishing industry.

2. Conservation and management measures shall be based on the best scientific information available.

3. To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.

4. Conservation and management measures shall not discriminate between residents of different states. If it becomes necessary to allocate or assign fishing privileges among various U.S. fishermen, such allocation shall be (a) fair and equitable to all such fishermen; (b) reasonably calculated to promote conservation; and (c) carried out in such a manner that no particular individual, corporation or other entity acquires an excessive share of such privileges.

5. Conservation and management measures shall, where practicable, promote efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.

6. Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

7. Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

DISCUSSION

Contents of Fishery Management Plans

A fishery management plan must define maximum sustainable yield which is the largest average annual catch or yield that can be taken over a significant period from each stock under prevailing ecological and environmental conditions. Optimum yield, which is based on maximum sustainable yield, is the amount of fish providing the greatest overall benefit to the nation with particular reference to food production and recreational opportunities. Each plan must contain a measurable definition of overfishing which can be thought of as a level or rate of fishing mortality that jeopardizes the long-term capacity of a stock or stock complex to produce maximum sustainable yield on a continuing basis. If a fish stock is overfished, the plan must specify measures and a time frame to rebuild the stock to an unfished level.

The Council is also required to consider habitat issues. Recognizing that all species are dependent on the quantity and environmental quality of their essential habitat, it is the policy of the South Atlantic Council to protect, restore and develop habitats upon which commercial and recreational marine fisheries depend, to increase their extent and to improve their productive capacity for the benefit of present and future generations. Habitat objectives are to: (a) protect the current quantity, environmental quality and productive capacity of habitats support important commercial and recreational fisheries; the Council recommends no net loss or significant degradation of habitat in the short-term, and (b) support and promote net gain of fisheries habitat as a long-term objective. The Council may review, comment on or make recommendations on those

proposed habitat alterations, policy or other human actions which may have an adverse impact on those fisheries addressed in the Council's plans and/or under the authority of the Magnuson Act. The Magnuson Act requires that within 45 days after receiving a comment or recommendation from the Council, a federal agency shall provide a detailed response, in writing, to the Council regarding the matter.

Council fishery management plans have included no fishing zones, special management zones that limit the types of gear that may be used on artificial reefs, individual transferable quotas (ITQ's) and definitions of allowable gear in addition to more traditional management measures such as size limits, bag limits, etc. The Council will be examining methods to separate black sea bass pot fishermen and headboats off the coast of South Carolina.

Council Process

The Council-process is an excellent framework for developing Integrated Coastal Management Plans. Each Council's voting membership is comprised of individuals from that Council's jurisdiction representing commercial, recreational, consumer and environmental interests, state and federal government. Individuals from the private sector are appointed by the Secretary of Commerce from nominees submitted by the governors of the states in the Council's jurisdiction. They are appointed to either obligatory or at-large seats for three-year terms. State marine fishery agency officials and the National Marine Fishery Service (NMFS) regional director can serve indefinite terms. The South Atlantic Council has 17 members, 13 of which are voting members. Each of the four states (NC, SC, GA and Florida) has three voting representatives. The thirteenth is the regional director of the NMFS. Non-voting members include the Fish and Wildlife Service, Coast Guard, State Department and Atlantic States Marine Fisheries Commission.

Councils base fishery management plans and amendments on the best scientific information available. Each council uses a scientific and statistical committee (SSC) comprised of knowledgeable individuals having biological, statistical, economic and social science expertise. The SSC evaluates and advises the council on the scientific validity of the technical basis for each plan and other matters relating to the conservation and management of fishery resources.

The Magnuson Act established a management system that is based on public input. The council provides users and the general public several formal opportunities for participation in development of fishery management strategies. These include participation on the council advisory panels or participation in the various council and working group meetings and hearings. Advisory panels are comprised of knowledgeable, affected users who are actually involved in the harvest or are knowledgeable and interested in the conservation of the fishery.

They provide input during plan development or on other management strategies under consideration. The advisory panels hold open meetings, and provide advice on plan aspects, keep the council apprised of trends and developments in the fishery and the effect of plans on local economies and user groups. Advisory Panel members serve without compensation but are reimbursed travel expenses. When vacancies arise, the specific vacancy is announced through the council newsletter and news releases to generate qualified nominees. Interested persons complete a questionnaire which is reviewed by the council.

The South Atlantic Council employs a public information officer whose main job is to answer information requests and keep the public informed of the council's activities. One way this is done is through a newsletter, which is published after each council meeting. The newsletter is also a good place to advertise our free snapper grouper poster which assists in species identification and to let the public know when the regulations have changed. The Council publishes brochures containing current fishing regulations and makes these available to the public. News releases are also distributed before and after council meetings.

Scoping meetings are not public hearings. Scoping meetings are held early in development of regulations to gather public input on a subject prior to the council determining whether action is warranted. At a scoping meeting an idea or an issue is presented. The meeting is then opened for public input. Proceedings of the scoping meetings are presented to the council, following which the council decides whether to take action.

Council meetings, open to the public, are held throughout the geographic area of responsibility for the purpose of developing fishery management plans. The South Atlantic Council meets generally five times a year. The council must first receive public comments on a proposed plan or amendment through a public hearing prior to submitting a plan to the Secretary of Commerce. When the plan is drafted public hearings are held throughout the region to provide the opportunity for all interested persons to have input in the development of regulations. Proceedings of each hearing are produced for the benefit of all council members and are reviewed before the council drafts the plan into final form. It takes, on average, about one year to develop and implement a plan or amendment. The proposed fishery management plan or amendment is submitted to the Secretary of Commerce for review and approval. The Secretary must notify the Councils within 95 days of approval or rejection of the proposed management measures. Upon approval, final regulations are enforced by the U.S. Coast Guard, NMFS and through cooperative law enforcement agreements with the states. The council monitors the fishery and revises the management plan as necessary.

The Council-process can be expanded to address Integrated Coastal Management Issues. The Councils represent a regionalized form of government

that have 15 years of experience producing regional fishery management plans. Much of plan development involves gathering information from scientists and fishermen and building a consensus among various user groups to produce a comprehensive, regional management solution. This system should be critically evaluated as a mechanism for producing Integrated Coastal Management Plans for the Caribbean Region.

SUGGESTED READING

- Bortone, S.A. 1986. Fisheries Biology for Everyone. Sea Grant Extension Bulletin, SGEB-11, 171 pp. Sea Grant Extension Program, G022 McCarty Hall, University of Florida, Gainesville, FL 32611
- Costello, T.J. and L.M. Pulos. 1979. How to Prepare Fishery Management Plans. NOAA Technical Memorandum, NMFS-SEFC-4, 62 pp. U.S. Department of Commerce, NOAA, NMFS, Southeast Fisheries Center, Miami, Florida 33149
- Fowle, S. 1993. Fish For the Future: A citizens' guide to federal marine fisheries management. 142 pp. Center for Marine Conservation, 1725 DeSales Street, N.W., Suite 500, Washington, DC 20036
- McCay, B.J. and C.F. Creed. 1995. *Fish or Cut Bait: An introductory guide to the federal management system for Atlantic coast fishermen and women.* New Jersey Agricultural Experiment Station J-26417-1-95, 44 pp. New Jersey Marine Sciences Consortium, Building 22, Fort Hancock, New Jersey 07732
- Wallace, R.K., W. Hosking, and S.T. Szedlmayer. 1994. Fisheries Management For Fishermen: A manual for helping fishermen understand the federal management process. MASGP-94-012, 56 pp. Auburn University Marine Extension & Research Center, Sea Grant Extension, 4170 Commanders Drive, Mobile, Alabama 36615