

The Decision Makers: Fisheries Management Councils And Commissions—Who Are These People, Anyway?

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By now, any saltwater recreational enthusiast who pays attention to fishing regulations realizes the days of unrestricted harvest of marine resources are over. Fishing for every major saltwater species in New Jersey, and every Atlantic coastal state, is controlled by some combination of a season, size limit or possession limit. Although these regulations seem to be getting more restrictive, more numerous and more confusing, perhaps just as confusing are the numerous references to decision making councils and commissions that fishermen see in regulatory proposals, news releases and newspaper and magazine articles. Have you ever wondered where the people come from who comprise the commissions and councils that in large part decide your fishing future? Do they know anything about fish and fishing? How were these groups established, what do they do and where do they get their authority? Read on and become acquainted with the New Jersey Marine Fisheries Council, the Atlantic State Marine Fisheries Commission and the Mid-Atlantic Fishery Management Council.

The New Jersey Marine Fisheries Council was created by the Marine Fisheries Management and Commercial Fisheries Act; an act passed by the New Jersey State Legislature to provide an organizational framework to permit New Jersey to more effectively manage marine fisheries in state waters (all estuaries and the ocean within 3 miles of the coast). The council is comprised of eleven members, nine of whom are appointed by the governor. Of the nine governor appointees, four must represent and be knowledgeable of the interests of recreational fishermen, two must be active commercial fin fishermen, one must be an active fish processor, and two represent the general public. The remaining two members of the council are the chairperson of the Atlantic Coast and Delaware Bay sections of the Shellfisheries Council. They are required to be active shellfishermen. In fact, nine of the eleven members of the council are required to be fishermen, just like you. Sure, some are commercial fishermen and some have a background in clamming or oystering, but they are all fishermen nonetheless. Because they are fishermen, they want to catch fish as much as you do. They are, however, in the unenviable position of making some hard decisions regarding allowing some fish to be caught, but not so many that the future of the resource is placed in jeopardy. These decisions are made at numerous meetings throughout the year, attended by council members on their own time—they do not get paid. At these meetings, the council performs the duties assigned to them, including contributing to the preparation and revision of fisheries management plans and recommending new or revised rules pertaining to saltwater fishing. Most importantly, the council can disapprove any marine fisheries regulation proposed by the Commissioner of the Department of Environmental Protection. That

means that a season, or a size limit or a possession limit isn't so until the New Jersey Marine Fisheries Council says it's so.

Intertwined with the workings of the New Jersey Marine Fisheries Council are fisheries management plans developed by the Atlantic States Marine Fisheries Commission (ASMFC). The ASMFC, a consortium of the fifteen Atlantic coastal states from Maine through Florida (including Pennsylvania), established under an interstate compact consented to and approved by the United States Congress, is required to prepare and adopt coastal fishery management plans to provide for the conservation and management of fishery resources within state waters. This requirement was mandated by the United States Congress via the Atlantic Coastal Fisheries Cooperative Management Act. The purpose of the act is to support and encourage the development, implementation and enforcement of effective interstate conservation and management of Atlantic coastal fishery resources. More importantly, the act requires that Atlantic coastal states monitor the resource and implement and enforce specified measures of coastal fishery management plans prepared and adopted by the ASMFC. Failure to do so can result in a complete closure of a fishery. This means that if the ASMFC requires states to reduce harvest of a particular species, states must take action to comply. Any state that does not comply can be entirely closed, both commercially and recreationally, for the harvest of that species. In order to prepare coastal fishery management plans, the ASMFC establishes various committees staffed by fisheries administrators, fisheries biologists, state legislators and fishermen to assess the resource, develop management strategies and oversee implementation. Again, it is important to understand that fishermen from every Atlantic coastal state are involved in the decision making process.

The Mid-Atlantic Fishery Management Council (MAFMC) is one of the eight regional councils established by the United States Congress via the Magnuson-Stevens Fishery Conservation and Management Act. The goals of the act are to prevent overfishing, rebuild overfished stocks, insure conservation of fishery resources, facilitate long-term protection of essential fish habitats and realize the full potential of the nation's resources. One of the purposes of the MAFMC is to prepare and implement fishery management plans which will achieve and maintain the optimum yield from each fishery. It includes representation from the States of New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia and North Carolina and has authority over fisheries which occur predominately in the Atlantic Ocean greater than three miles seaward of these states (federal waters). The MAFMC is comprised of 21 voting members, 13 of which are appointed by the United States

Secretary of Commerce. At least one of these appointees must be from each participating state. In addition, membership includes the principal state official with marine fishery management responsibility and expertise in each state, who is designated as such by the governor of the state. Currently, New Jersey has four representatives on the MAFMC. One is the aforementioned state official, but the remaining three representatives are fishermen.

It may seem that the three regulatory groups discussed above all do the same thing, and in a large part they do. Why then are they necessary? Fisheries that occur in New Jersey state waters are managed in part by the New Jersey Marine Fisheries Council. Marine fish stocks however don't understand and respect state boundaries. A fish in New Jersey today can easily be in another state by tomorrow. It makes little sense to institute conservation measures to protect fish in one state, only to have those fish swim to another state where they could be over-harvested. This is where the ASMFC comes in. By mandating uniform management strategies throughout the Atlantic coastal states, the ASMFC insures that inshore fish stocks are conserved regardless of state boundaries. The states and ASMFC only have authority to manage fisheries out to three miles offshore in state waters. Fish stocks also don't recognize the boundary between state and federal waters, while other fisheries occur only in federal waters. The MAFMC acts to insure that fish stocks in federal waters are not over-harvested.

Although these regulatory bodies are different, they cooperate very closely to develop similar management programs in both state-versus-state and state-versus-federal waters. They do have one very important thing in common: they all are made up of or have representation from your fishing community. So who are these decision makers? In part, they are fishermen just like you!

If you would like to find out more about public participation in fisheries management issues, check out the following websites:

New Jersey Division of
Fish and Wildlife—
www.njfishandwildlife.com

Atlantic States Marine
Fisheries Commission—
www.asmfc.org

Mid-Atlantic Fishery
Management Council—
www.mafmc.org