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Virginia Institute of Marine Science

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PROBLEMS IN INTERSTATE FISHERIES MANAGEMENT

PRESENTED TO THE AMERICAN FISHERIES SOCIETY, POTOMAC CHAPTER

26 MAY 1983

BALTIMORE, MARYLAND

MARINE RESOURCE REPORT #83-13

I would like to be able to say that my talk is going to be very short, to say there aren't any problems in interstate management, then I could sit down. There are problems but I don't see them as major. I think people perceive that there are a lot of problems between Virginia and Maryland because in the past we haven't adequately addressed them. One reason for this may be that the two states have different Bay fisheries foci: Virginia being at the southern end of the Bay is more interested in the marine species; and Maryland, further up the Bay is more oriented toward the freshwater and anadromous species. Both states, however, place a common high emphasis on the striped bass.

The main focus in Virginia is on the marine fish including menhaden, fluke or summer flounder and sciaenids; whereas Maryland, on the other hand, considers the alosines and white and yellow perch as more important than the sciaenids or flounder. It is this difference in focus that leads to other differences such as differing survey techniques for recruitment estimates.

Resource managers are dealing with a pipe that's open at both ends. Recruitment comes in one end of the pipe and mortality goes out the other end, through several holes - natural mortality, fishing mortality, and "water quality" mortality. The job of the scientist is

to monitor what is coming in (recruitment) at one end, and what is flowing out (mortality) at the other so that it doesn't flow out too fast. The scientist recommends to the manager the angle at which to hold the pipe so that the stock doesn't get out the other end too quickly.

Maryland primarily uses a beach seine recruitment index, a survey primarily geared towards rockfish. In the mid 50's when they started the survey, the rockfish was the main species they were interested in. Virginia, on the other hand, uses an otter trawl in the main stem part of the Bay and in the channels of the Virginia tributaries. This is because the main interest is in the juvenile summer flounder or fluke and the juvenile sciaenids. Consequently, it is difficult to compare Virginia and Maryland's recruitment results because an otter trawl samples a different age and size range of young striped bass than a seine, and because beach seines don't sample sciaenids except when they are extremely abundant. Consequently, the Maryland seine doesn't come up with the same numbers that Virginia does with the trawl. Does a trawl index of 2,000 fish equal a seine index of 20, or were fish 100 more times abundant in Virginia? This is an area of active communication between the two states at this time. We hope to arrive at a means of developing a Chesapeake Bay index.

At the other end of the pipe, as I mentioned earlier, is mortality. The two states have different methods for reporting catch, often an index of stock size or mortality. For example, for finfish, Virginia uses a census of buyers with voluntary compliance, whereas

Maryland uses a mandatory reporting by the individual licensed fisherman. Both methods have inherent problems. Anytime you require a fisherman to report what he catches there is the possibility that he will underreport for tax purposes. This kind of problem, of course, exists in both states and is something the two states can address jointly regardless of whether or not they have voluntary or mandatory reporting. For blue crabs, Virginia uses a census of the seafood buyers, whereas Maryland has recently gone to a stratified random sampling survey. Consequently, when you look at the landings of the two states it's almost impossible to compare them until after we have some 10 or 20 years worth of data and only then will it be possible to look at trends. In terms of oysters, both Virginia and Maryland uses a legislative mandated oyster tax levied on the oysters as they are counted and actually landed. For hard clams, there is a census of the seafood buyers in Virginia, whereas Maryland requires mandatory reporting. It is difficult to compare the landings of the two states from one year to the next, although it is possible to look at long-term trends over decades and longer periods. Unfortunately, none of these data lend themselves to cross correlation analyses with water quality trends; an important, and current topic.

There are also somewhat different management philosophies. The primary responsibility in Maryland lies with the Department of Natural Resources. The key here is "department" because although there are political considerations, the regulatory management authority is vested with state Civil Service employees. In Virginia it is a Commission. A Commission is appointed and serves at the pleasure of

the Governor, which means as long as they do what pleases the Governor, they continue in that position for their term; and, as long as the Governor does not take too much flack, they continue. I think a good example of how this works was the bluefish controversy last spring when the Governor of Maryland told the Governor of Virginia he didn't like the fact that the Marine Resources Commission didn't think that the High-Roller Gill Nets were an emergency problem. Consequently, the Governor of Virginia "advised" the Commission, through his emissary, the Secretary of Commerce and Resources, that he considered it to be an emergency. It became so during a one-hour meeting and the "high-roller" gill nets were banned by an emergency regulation. The very data used to show no emergency existed were used to show one did exist. The comment was made earlier today about legislation versus regulation. When you have fisheries management by legislation, it means that a sudden change in a stock requiring immediate action will be slow in coming, once a year, at best. Regulations, on the other hand, can be enacted fairly quickly, monthly. It is interesting to note that the Code of Virginia contains a section that says the Commissioner or the Marine Resources Commission can enact such regulations that they deem necessary for the conservation of the living marine resources. In the past, the unwritten policy has been to simply enforce existing legislation, the Code.

Both states, and I speak primarily for Virginia, do not have a clearly stated fisheries management policy. You cannot find in the Code of Virginia the statement "the policy of the Commonwealth of

Virginia with regard to the conservation of living marine resources is...." There is no such statement, and I think that until we have a clear policy statement, made at the highest level in each state that both Governors can agree to, we are going to continue with a calico patchwork of legislation, many without sound biological or economic basis. Currently only 6 of 200 sections of Virginia's code are with biological rationale. I do see, however, that there is hope for the near future.

We currently have the Chesapeake Bay Bi-State Commission, and within it there is a fisheries subcommittee which is co-chaired by the heads of the two state management agencies. They are working together; and I think it is interesting that one of the first things they accomplished was that Maryland joined Virginia in a suit against the Smith Island crabbers because of the potential problem of out-of-Bay non-residents coming into the Chesapeake Bay.

There was a workshop in Fredericksburg in July, 1982, to discuss the problem of Bay-wide catch statistics. Out of the workshop came a list of recommendations. Both states are working together right now to come up with a price tag for this list of recommendations. There are ten recommendations including: 1) standardizing the recruitment surveys, or at least developing a way of making the data comparable; 2) developing ways of looking at a more cohesive commercial and the recreational catch and effort system of reporting the different species within the two states; and 3) there are recommendations for socio and economic profiles of the Bay fisheries.

I'm not going to talk about the EPA/Chesapeake Bay Program because it is on the agenda later, but I will comment that within the Chesapeake Bay Program report there is a section on monitoring which details the two states' monitoring activities for water quality, fisheries recruitment, and catch. It makes recommendations as to how these can be standardized between the two states. In some cases these recommendations are very similar to the ones that were derived last summer at the meeting of the scientists and managers in Fredericksburg.

The last area is the Governor's Bi-State Conference to be held 7-9 December 1983 in the Washington, D.C. area. One of the five focal areas is going to be Fisheries Management. Scientists and managers from the two states are meeting now, preparing papers for a September workshop, and will be developing recommendations for the governors.

I am optimistic. I expect that before the decade is out, our fishery management problems will become a Bi-State Chesapeake Bay Fisheries Management Program, perhaps not unlike the framework of the Potomac River Fisheries Commission. Fishery management plans for stocks common to, and migratory through, both states will be developed by species or year, hopefully by 1990.