

A Summary of Views Presented during
the Mid-Atlantic Regional Roundtable

**Improving
Federal Fisheries Management
in the
Mid-Atlantic Region**

The H. John Heinz III Center
for Science, Economics and the Environment

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BACKGROUND

ABOUT THE HEINZ CENTER

Founded in 1995 to carry on the work of Senator John Heinz, The H. John Heinz III Center for Science, Economics and the Environment is a nonpartisan, nonprofit institution dedicated to improving the scientific and economic foundation for environmental policy through multisectoral collaboration. Focusing on issues that are likely to confront policymakers within two to five years, the Center fosters collaboration among industry, environmental organizations, academia, and government in each of its program areas and projects. It uses the best scientific and economic analyses to develop viable options for solving problems, and its findings and recommendations are widely disseminated to public and private sector decision makers, the scientific community, and the public.

ABOUT THE MANAGING U.S. MARINE FISHERIES PROGRAM

Initiated in March 1998, The Heinz Center's Managing U.S. Marine Fisheries program seeks to increase the effectiveness of U.S. fisheries management. A primary goal of the program is to identify present concerns and possible courses of action for key decisionmakers, especially as Congress considers amendments to the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA).

In addition to numerous documents and reports, the program has produced the book *Fishing Grounds: Defining a New Era for American Fisheries Management*, which is available through Island Press. Susan Hanna, Professor of Marine Economics at Oregon State University, led the program with support from Assistant Manager Heather Blough. Four senior advisors—Captain R. Barry Fisher of Midwater Trawlers Cooperative, D. Douglas Hopkins of Environmental Defense, Dr. Andrew A. Rosenberg of the National Marine Fisheries Service, and Professor Michael Orbach of Duke University—provided oversight to the program.

ABOUT THE REGIONAL ROUNDTABLE SERIES

The Heinz Center hosted eight roundtable meetings in the federal fishery management council regions between July and October 1999. The purpose of the meetings was to identify problems the councils have encountered in implementing the 1996 amendments to the MSFCMA and to solicit input on how fisheries management can be made more effective in the regions. The original intent was to focus on improvements to the system that could be made through congressional reauthorization. Participants also offered many ideas about administrative actions that the National Marine Fisheries Service (NMFS) and the regional fishery management councils could take to make the system work better.

The roundtable meetings were limited to a small number of participants to keep the discussion focused and productive. They were attended by industry members, environmentalists, fishery managers and scientists that participate in the fishery management system at the regional level. Assistance in identifying qualified participants was provided by council directors and leadership of the Marine Fish Conservation Network. Participants were familiar with the full range of issues facing their region, but practical limitations did not allow for representation from every fishery, gear type, or other specific interest group.

The booklet *Reauthorizing the Magnuson-Stevens Fishery Conservation and Management Act: A Handbook and Discussion Guide for Regional Fishery Management Councils*, produced during the first phase of The Heinz Center's Managing U.S. Marine Fisheries program, provided background for the regional roundtable discussions.

Each roundtable lasted two days and was guided by a similar agenda. The first day was devoted to discussing the implementation of four mandates added to the MSFCMA in 1996, including: (1) end overfishing and rebuild overfished stocks; (2) minimize bycatch; (3) identify and protect essential fish habitat; and (4) minimize adverse economic impacts to fishing communities. The second day's discussions were focused on identifying how the fisheries management system can be improved. They too were divided into four segments, including (1) background conditions; (2) decisionmaking; (3) management implementation and administration; and (4) "new" management tools.

ABOUT THE REGIONAL ROUNDTABLE REPORTS

Each roundtable discussion was recorded and transcribed by a professional reporting service. We then produced summary minutes from each transcript, which participants reviewed for accuracy. We incorporated these materials into a report for each region, which summarizes the discussions and outlines the participants' recommendations.

The Heinz Center's goal for the reports was to capture as much information as possible about federal fishery management problems and potential solutions in the various regions. Throughout the roundtable discussions, the knowledgeable and diverse participants identified many specific concerns and options for improving federal fisheries management. We did not attempt to evaluate, prioritize, or forge consensus on the issues and recommendations that were raised. We did, however, note areas of strong agreement or dissent. Although participants did not necessarily characterize proposed actions as most appropriate for Congress, NMFS, or the councils, we did so in the final reports in the interest of making the information more useful.

In addition to the regional reports, we produced a national summary, *Improving Federal Fisheries Management: A National Report*, which synthesizes information derived from the regional roundtable series. The handbook, regional and national reports, and other documents stemming from The Center's fisheries program are available online at www.heinzctr.org.

This report was prepared by Susan Hanna and Heather Blough. It summarizes views presented during the Mid-Atlantic Regional Roundtable held August 31 – September 1, 1999 in Washington, DC.

ROUNDTABLE PARTICIPANTS

DISCUSSANTS

Lee G. Anderson	University of Delaware
Raymond D. Bogan	Legal Counsel, United Boatmen of New Jersey and New York
Eric B. Burnley, Sr.	<i>The Fisherman</i> Magazine; EBB Tide Guide Service; freelance outdoor writer
John H. Dunnigan	Executive Director, Atlantic States Marine Fisheries Commission
Sonja Fordham	Center for Marine Conservation
Daniel T. Furlong	Executive Director, Mid-Atlantic Fishery Management Council
James H. Gilford	Chair, Mid-Atlantic Fishery Management Council
Dave Krusa	Captain, F/V <i>Restless</i> , Montauk, New York
C. Wayne Lee	Recreational fisherman, North Carolina
Jim Lovgren	Fisherman's Dock Cooperative, Pt. Pleasant, New Jersey
Bonnie J. McCay	Professor of Anthropology and Ecology, Rutgers University, New Jersey
Andrew A. Rosenberg	Deputy Director, National Marine Fisheries Service
James Ruhle	Owner/captain, F/V <i>Darana R</i> , Wanchese, North Carolina
Bradford H. Sewell	Natural Resources Defense Council
Daniel Whittle	Environmental Defense

INVITED, UNABLE TO ATTEND

John Hoenig	Virginia Institute of Marine Science
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FACILITATOR:	Susan Hanna
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ASSISTANT:	Heather Blough
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RECORDER:	Paul Wallace
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EXECUTIVE SUMMARY

The Mid-Atlantic Fishery Management Council manages fisheries in federal waters off the coasts of New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, and North Carolina. There are 11 fish stocks under its direct authority. The Council is tasked with implementing new fisheries management provisions added to the Magnuson-Stevens Fishery Conservation and Management Act through the Sustainable Fisheries Act of 1996. These provisions relate to ending overfishing and rebuilding overfished fisheries, minimizing bycatch, identifying and protecting essential fish habitat, and minimizing adverse impacts to fishing communities.

The Heinz Center convened a roundtable August 31-September 1, 1999, in Washington, D.C., to identify problems the Mid-Atlantic Council is experiencing in implementing these new provisions and to solicit recommendations to improve fisheries management in the region. Participants included members of industry, environmental organizations, academia, and government agencies.

Roundtable participants recognized the following as primary problems the Mid-Atlantic Council faces in meeting the new provisions:

- inadequate data and information;
- difficulty incorporating both commercial and recreational goals in amended plans;
- insufficient guidance on how to balance tradeoffs associated with minimizing bycatch;
- reduced ability to compete internationally;
- poor coordination between coastal zone management and federal habitat protection efforts;
- poor understanding of the intent of the communities provision; and
- inadequate guidance on how to implement the communities provision.

The participants offered the following general recommendations for change:

- integrate commercial and recreational management goals;
- better account for recreational participation and impacts;
- collect more and better biological, ecological, social, and economic data;
- coordinate coastal zone activities with the need to protect essential fish habitat;
- reduce fishing capacity;
- improve decisionmaking;
- increase funding;
- increase cooperative research with the fishing industry;
- reduce administrative delays; and
- strengthen enforcement.

The two-day discussions that led to the identification of these problems and recommendations are summarized in the following pages. A more comprehensive list of detailed actions that could be taken by Congress, NMFS, and the Caribbean Council to improve fisheries management in the region is included in the back of this report.

THE MID-ATLANTIC REGIONAL CONTEXT

The Mid-Atlantic Fishery Management Council manages fisheries in federal waters off the coasts of New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, and North Carolina. While a population base of seven states provides the Council with strong political leverage, the large number of representatives increases the difficulty of decisionmaking. The Mid-Atlantic Council has 21 voting members—one from NMFS, 7 from state fishery agencies, and 13 public members appointed by the Secretary of Commerce—making it the largest of the eight regional fishery management councils. Participants noted that the Council has an excellent track record managing the region’s fisheries. They attribute success stories to the extensive and historic involvement of industry in fishery management decisions.

The geographical range covered by the Mid-Atlantic Council is very diverse. Participants indicated that this is reflected in both biological and human components of the fisheries, which have developed quite differently from those in other regions. They noted that the physical location of the Council’s territory between warm southern waters and cold northern waters attracts primarily migratory fish stocks. And differences in physical and biological dynamics between these ranges create unique differences in species and species’ biology.

They said the diversified and migratory nature of fish stocks has produced a versatile commercial fishing industry that focuses fishing effort on whatever species that are available at any given time or season, and a market that emphasizes fresh, rather than frozen, fish. Commercial fisheries have generally developed with an emphasis on small, owner-operated industries that can move fish quickly. The port of Reedville, Virginia, is the highest producing in the Mid-Atlantic region, where 509 million pounds of fish valued at \$42.6 million were landed in 1998.¹

Participants commented that heavy urbanization, reflected throughout the region in large-scale development activities, and the industrialization of agriculture threatens marine fisheries through degradation and destruction of critical coastal and estuarine habitat. They noted that the urbanized coastline has created a different category of recreational fisherman as well, defined by a strong dependence on catch as an important food source.

The close relationship between inshore and offshore fishing in the region creates an important overlap between state and federal fishery interests. Interstate management is coordinated through the Atlantic States Marine Fisheries Commission, which has non-voting representation at the council level.

¹ NMFS. 1999. *Fisheries of the United States, 1998*. Current Fishery Statistics No. 9800, U.S. Department of Commerce, National Oceanic and Atmospheric Administration.

**IMPLEMENTING PROVISIONS OF THE 1996
SUSTAINABLE FISHERIES ACT**

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The 1996 Sustainable Fisheries Act (SFA) added new provisions to the Magnuson-Stevens Fishery Conservation and Management Act. Four of these provisions contain significant new requirements for the Mid-Atlantic Fishery Management Council that relate to ending overfishing and rebuilding overfished stocks, minimizing bycatch, identifying and protecting essential fish habitat, and minimizing adverse impacts on fishing communities. Participants' views on challenges the region faces in implementing these provisions are summarized below.

1. OVERFISHING/REBUILDING

Background

The MSFCMA's overfishing/rebuilding provision requires that fishery management plans contain measurement criteria for overfishing, actions to prevent overfishing, and plans to rebuild overfished stocks. The Act defines both "overfishing" and "overfished" as "a rate or level of fishing mortality that jeopardizes the capacity of a fishery to produce the maximum sustainable yield on a continuing basis" (16 U.S.C. 1802(29)).

The Mid-Atlantic Council is directly responsible for the management of 11 stocks. Of these, 6 are overfished and 5 are not overfished. They are managed under five fishery management plans: Summer Flounder, Scup, and Black Sea Bass; Atlantic Bluefish; Atlantic Surf Clam and Ocean Quahog; Atlantic Mackerel, Squid, and Butterfish; and Tilefish, which is currently under development.²

The Mid-Atlantic Council shares authority with the New England Council for 9 additional stocks. Seven of these (all skates) are of unknown status and are not covered by fishery management plans. The 2 remaining stocks (spiny dogfish and monkfish) are managed under joint fishery management plans and are both overfished. The Mid-Atlantic Council has lead management authority over spiny dogfish, and the New England Council has lead authority over monkfish.

The Council met the congressional deadline for submitting overfishing amendments and rebuilding schedules to NMFS, but none has yet been published as a final rule. Some participants said that NMFS's delay in finalizing these amendments is excessive.

² NMFS. 1999. Report to Congress: Status of Fisheries of the United States. October.

Implementation Issues

Reliance on Maximum Sustainable Yield: Some participants criticized the overfishing definition's reliance on maximum sustainable yield, arguing that, although a good concept to use in stock assessments, it provides a terrible management construct. They suggested that maximum sustainable yield is too information-intensive and numbers-oriented to generate reliable information and that the concept fails to recognize ecological relationships, even though the fishery management system appears to be moving in this direction.

Flexibility in Implementation: Some argued that overfishing/rebuilding requirements should not be imposed on the councils nonselectively. They noted that fisheries in the Mid-Atlantic region are generally in good shape and suggested that the Council should retain the flexibility to manage and work with them as it has in the past. Others believe that the requirements do in fact provide the Council with adequate flexibility, but that managers lack consensus about how that flexibility should be used—how to weigh the various factors they are directed to weigh.

International Effects: Some participants said that the rebuilding requirements unfairly burden U.S. fishermen participating in international fisheries by forcing them to pay the costs of rebuilding stocks, while the benefits of recovery are widely distributed.

Rebuilding Approach: Some contended that rebuilding fish stocks on a species-by-species basis is myopic, suggesting that it is impossible to recover all stocks, including predators and prey, simultaneously. They noted that rebuilding plans developed independent of environmental factors may fail to recover stocks simply because natural factors are changing the marine environment in ways that may make particular ecosystems no longer suitable to particular stocks. They suggested that the law should allow a more comprehensive approach to rebuilding overfished stocks. Others cautioned that fishery managers should not be forced to take an ecosystem-based approach to management before they have the information necessary to do so.

Rebuilding Goals: Participants noted that commercial and recreational interests are likely to have different opinions about what constitutes a recovered fishery. In addition to abundant numbers of fish, the recreational industry requires that stocks include fish from a variety of age classes, including large trophy fish. Participants emphasized the importance of taking into consideration the perspectives of both sectors when developing rebuilding goals. Some also said that fishery managers should recognize that the ocean environment has changed over time and that past productivity levels may no longer be attainable.

Rebuilding Schedules: Rebuilding requirements prohibit the Council from extending rebuilding schedules beyond the 10-year goal for socioeconomic reasons. Some participants believe that the Council should have this flexibility when working with fisheries that exhibit signs of active recovery. They noted that because rebuilding plans are based on very little scientific information, this flexibility would also allow the Council to adjust plans as actual recovery status is assessed.

Although they agreed with the need for adaptive management, others viewed the 10-year rebuilding goal as a necessary standard. They suggested that, without it, short-term interests would pressure managers to put off tough actions needed to rebuild overfished stocks. To support their point, they noted that the Mid-Atlantic Council has uniformly set 10-year rebuilding goals, despite the requirement to rebuild fisheries as quickly as practicable.

Sustaining Recovered Fisheries: Participants noted that simply rebuilding overfished stocks will not be sufficient to sustain productivity. They stressed that fishery managers must broaden their scope and vision so that, once recovered, stocks can be sustained. They said this will require improving the quality of marine habitat, limiting access to fisheries, and considering new management tools.

Research and Data Needs: Some participants noted that imposing maximum sustainable yield as a reference point forces the Mid-Atlantic Council to make decisions with far-reaching impacts based on insufficient data. Although data enter the system through biannual surveys and landings statistics, stock assessments are perceived to be based on three-year-old analyses. Some participants said this perception is inaccurate, but it is a commonly held perception, and those who voiced it suggested that this practice should not be acceptable under National Standard 2, which requires that fishery management decisions be based on the “best available scientific information.” They said that outdated analyses provide incorrect information about current conditions and cause scientific information to deviate largely from at-sea observations. Questions regarding the accuracy of scientific information divided those who prefer to take precaution and those who are concerned about causing undue economic hardship to industry.

2. BYCATCH

Background

The MSFCMA’s bycatch provision requires that fishery management plans establish standardized bycatch reporting methodology, as well as measures to minimize bycatch and bycatch mortality. The Act defines “bycatch” as “fish which are harvested in a fishery, but which are not sold or kept for personal use, [including] economic discards and regulatory discards.” The legislative definition excludes “fish released alive under a recreational catch and release fishery management program” (16 U.S.C. 1802(2)).

Implementation Issues

Intent of the Provision: Participants said that the Mid-Atlantic Council views bycatch as a historical, traditional, and normal part of fishery operations. Congress appears to recognize this as well, through its inclusion of such terms as “minimize” and “to the extent practicable” in directives to reduce bycatch. But failure to explicitly define these terms provides the Council with no guidance as to how to weigh this National Standard against others, such as National

Standard 5, which directs managers to consider efficiency, and National Standard 7, which requires them to minimize costs. Some participants questioned how far the Council must go to minimize bycatch and whether entire fisheries must be shut down. Some suggested that requirements to minimize bycatch should be related to the status of the bycatch stock. They believe that if the stock is in good shape and able to ecologically sustain the level of bycatch that is occurring, there should be no more concern over bycatch than there is over a sustainable directed catch.

Minimizing Bycatch through Education and Training: Some participants suggested that bycatch could be minimized through education and training. Highliners may be able to raise performance standards in the fisheries by developing and teaching certification programs that increase fishing skills and establish a minimum standard of conduct. They noted that responsible fishermen would benefit from setting high performance standards and pursuing known violators.

International Effects: Some participants noted that U.S. fishermen are disadvantaged by requirements to minimize bycatch and discard mortality in international highly migratory species fisheries because similar actions are not required of foreign participants. They stressed that international cooperation must be improved, especially that of Canada and Mexico.

Regulatory Discards: Participants said regulations that promote bycatch and discards undermine the legitimacy of the fishery management system and noted that the inability to distinguish between regulatory and other discards frustrates the industry. They suggested that, as new fishery regulations are developed, each should be better tailored to individual fishery conditions to reduce the occurrence of regulatory discards. Some said individual quota programs could be effective by allowing catch to be extended year-round. Many believe that regulatory discards should be landed and used to feed the hungry or sold to fund fishery management science or the use of observers. Others oppose such a strategy because they fear it will create perverse incentives that may increase bycatch.

Research and Data Needs: There was general agreement that data on bycatch, discard mortality, and catch-and-release mortality are either nonexistent or inadequate. Participants said bycatch regulations are currently based on outdated and insufficient catch report data. Some suggested that the Council consider using quota set-asides to pay for present gear modification studies and fund additional bycatch research.

3. ESSENTIAL FISH HABITAT

Background

The MSFCMA's habitat provision requires that fishery management plans describe and identify essential fish habitat, minimize fishing effects on habitat, and identify actions to encourage conservation and enhancement of habitat. The Act defines "essential fish habitat" as "those

waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity” (16 U.S.C. 1802(10)).

Some participants noted that NMFS delayed providing the regional councils with guidelines for implementing the essential fish habitat provision. The Mid-Atlantic Council’s essential fish habitat amendment has been partially approved.

Implementation Issues

Intent: Some participants suggested that inclusion of the phrases “to the extent practicable” and “adverse impact” in essential fish habitat directives appears to distinguish between habitat disruption and destruction. They noted that this is a critical distinction that should be clarified by further defining these phrases.

Fishing Gear Impacts: Participants said the Mid-Atlantic Council has been criticized for not effectively addressing fishing gear impacts on marine habitat, noting that the Council and regional industry groups have worked for many years to promote conservation-friendly gear. Some pointed out that it is difficult to fully restrict the use of certain gear types based only on inferences and implications. Attempts by the regional fishery management councils to develop essential fish habitat amendments that address gear impacts based on nonexistent or inadequate data have resulted in a flurry of litigation. Some participants fear that the courts will respond by forcing the councils to shut down fisheries based on insufficient information suggesting that certain gear may be damaging to habitat. They asked where the burden of proof lies when information is inadequate. NMFS and the Mid-Atlantic Council would like to address these issues scientifically before such a scenario occurs, but present resource and information deficiencies prevent them from doing so.

Nonfishing Impacts: Participants agreed that large-scale coastal development and the industrialization of agriculture pose the greatest threats to essential fish habitat in the Mid-Atlantic region. They expressed concern that the consultation authority provided in the MSFCMA gives neither NMFS nor the Council the level of support necessary to address these impacts at the appropriate scale.

Some participants recommended that NMFS and the Council be given greater authority over permitting decisions that affect essential fish habitat, particularly in state waters where most of these impacts occur. Others viewed this suggestion as unrealistic.

Some highlighted the strengths provided by the consultation process, noting that increased communication between fishery and land-based interests will result in more meaningful approaches to coastal habitat protection and that consultative recommendations will provide useful information to others involved in permitting debates. But others suggested that the consultation process is incapable of producing results at a level that would warrant the application of scarce council personnel and fiscal resources. They noted that consultation

requirements under the essential fish habitat provision are not new to NMFS and suggested that neither the agency nor the Council will ever be able to override greater land-based economic powers. Although consultation has the potential to be valuable in some cases, they recommended that the Council “pick its battles” and “spend its bullets” wisely. Some participants observed that industry involvement in habitat-related issues has been successful in the past, but noted that fishermen also lack the resources necessary to effectively participate in the consultation process.

State/Federal Coordination: Participants suggested that efforts to develop unified “coastal habitat protection plans” under the North Carolina Fisheries Reform Act provide an excellent example of coordination between fishery and coastal zone managers at the state and federal levels. They recommended using the MSFMCA as the impetus to develop similar frameworks in other states and council regions to improve state/federal coordination and cooperation on habitat management.

Reauthorization Recommendations: Some participants suggested that the complexity of the essential fish habitat provision should allow fishery managers more time to work with it before it is altered through reauthorization. They believe additional experience with the provision will provide all involved with better suggestions for improvements, noting that if Congress allows additional time to reconcile the requirements, others should as well. They specifically urged environmental groups to be more cooperative and redirect their resources toward working with fishery managers to fulfill the requirements, rather than threatening the system from the outside. Many believe that land-based interests will attempt to assault the provision during MSFCMA reauthorization. They recommended that fishery stakeholders be prepared to join together in its defense.

Research and Data Needs: Participants said neither NMFS nor the Council has the information needed to make reasonable, sound decisions about essential fish habitat or the resources required to obtain this information. They suggested that additional research should focus on the impacts of fishing gear on marine habitat, links between habitat and fishery productivity, and cause-and-effect data that link nonfishing activities to impacts on habitat. Some noted that data on nonfishing activities may already reside within other federal agencies and will be important to sustain adverse impact claims.

4. COMMUNITIES

Background

The MSFCMA’s communities provision requires that the effects of management measures on fishery participants, fishing communities, and fisheries in adjacent areas be assessed. The Act defines “fishing community” as “a community which is substantially dependent on or substantially engaged in the harvest or processing of fishery resources to meet social and

economic needs, and includes fishing vessel owners, operators, and crew and United States fish processors that are based in such community” (16 U.S.C. 1802(16)).

Implementation Issues

Intent of the Provision: Some participants believe that Congress intended to strengthen other legislative requirements for socioeconomic information through the communities provision, such as those provided by the National Environmental Policy Act and the Regulatory Flexibility Act. Others believe the congressional intent is to focus socioeconomic impact analyses on community interactions that result from producing commercial and recreational fishing opportunities. Some participants cautioned against the temptation to assume that the provision was put into place to protect communities from the short-term costs of fishery management decisions, noting that nothing tears apart a community like overfishing. They emphasized the importance of analyzing the long-term implications of fishery regulations.

Definition of Fishing Communities: Participants noted that fishing communities can exist at many different scales, as coastal towns, neighborhoods within larger cities, and groups defined by social relationships or united through fishing practices. Some suggested that the place-based definition of fishing communities provided by the National Standard Guidelines should be broadened to recognize that fishing communities supersede geographical boundaries. Others noted that the definition is advisory only.

Some participants questioned how equity can be ensured in the definition of fishing communities and how the Council should select qualifying criteria. They noted that the legal definition provided by the MSFCMA does not readily recognize recreational participants, particularly those who rely on their catch as a food source. They believe that the inclusion of these participants under the legal definition would help to ensure that they have enough fish available to catch, as well as access to those fish.

Lack of Guidelines for Implementation: NMFS produced an entire developmental guideline for National Standard 1 (which directs managers to prevent overfishing and achieve optimum yield on a continuing basis), but produced nothing similar for National Standard 8 (which directs managers to sustain the participation of, and minimize adverse impacts on, fishing communities). Some viewed this as an indicator of NMFS’s priorities.

Regulatory Effects on Adjacent Fisheries: Some participants commented that regional fishery management councils should be required to consider the impacts of their regulations on communities outside their jurisdiction. They noted that restrictions on groundfish fishing in New England displaced much fishing effort to the whiting fishery, which reduced the size of the whiting stock available to Mid-Atlantic fishermen and forced many people out of business.

Transition Assistance: Some participants suggested that information on community impacts should be used to develop voluntary training and relocation programs to assist fishermen who

are forced to leave a fishery. Others expressed opposition to government-funded programs that “bail out” failing industries, arguing that public funds would better be applied to fishery science, observer, and enforcement programs. They suggested that fishery managers prevent economic failures, such as overcapitalization, so that there is no need for transition assistance.

Research and Data Needs: Participants agreed that more socioeconomic data are needed on both the commercial and the recreational sectors, including basic information on the number of people fishing, fishing locations, and target species. They commented that lack of this type of information makes it difficult to plan for the future. Some participants suggested that fishery managers also need information on the social dynamics of communities. They noted that different fishermen have different perceptions, which have a tremendous impact on which species they target, what type of bait they use, what boats they take out, and even why they fish. For example, if certain recreational groups are restricted from fishing for a certain species, they will not switch to an alternate fishery. These participants stressed the importance of understanding such trends in participation when making decisions that affect communities, noting that they are not generally considered at present.

Some participants noted that there is a serious discrepancy in the statistical rigor required to support biological versus social and economic data and information. They said, because so little social and economic data exist, the Council is more willing to rely on anecdotal accounts of socioeconomic impacts. These participants recommended that formal, systematic, scientific processes be established to identify and define communities and perform social impact analyses. They also recommended that NMFS employ more social scientists, particularly anthropologists and sociologists, to address the present imbalance in biological versus social and economic staff, and that funding be made available to enhance socioeconomic research.

IMPROVING FISHERIES MANAGEMENT IN THE MID-ATLANTIC REGION

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Roundtable participants reviewed background conditions in the Mid-Atlantic region's fisheries, existing decisionmaking and implementation processes, and possible new tools to identify administrative and legislative actions for improving fisheries management in the region.

1. BACKGROUND CONDITIONS

Present-day fisheries are a product of their management history. Regional roundtable participants identified the following background conditions as important factors influencing the current state of fisheries and fisheries management in the Mid-Atlantic region. They also discussed how these conditions could be better addressed.

Overcapacity

Participants noted that fishing capacity exceeds resource availability in almost every fishery in the Mid-Atlantic region. They said access to many fisheries is regulated through limited-entry programs.

Recreational Capacity: According to participants, capacity problems extend well beyond the commercial sector. They said state and federal recreational fisheries are also overcapitalized, a situation generally overlooked by fishery managers. They believe the impacts of these open-access fisheries are important and must be considered. Some participants suggested that a federal marine recreational permitting system be implemented to provide managers with information on recreational participation, access, and the economic impact of recreational fisheries. They noted that such a system would also generate revenues that could enable the industry to be self-supporting.

Allocating Fishery Resources: Participants concurred that allocation issues are extremely political and are exacerbated at present by overcapitalized conditions, particularly in fisheries targeted by both the commercial and the recreational sectors. They noted that defining sustainable capacity levels and selecting allocation criteria make the development of limited entry programs very difficult. Some participants suggested that the pressure of allocations could be relieved by standardizing allocation criteria for all fisheries and communicating them to user groups well in advance. But others believe that the contentiousness of allocations would make this an impossible task for either NMFS or the Council. They proposed providing broad allocation principles in the MSFCMA, along with a requirement that each council be held accountable for following those principles in allocations. Some participants were opposed to standardization in general, arguing that the councils were established to reflect regional diversity in their management and allocation of fishery resources.

Latent Permits: Participants noted that latent permits hinder the Council’s ability to determine actual capacity levels in the fisheries and, if not recognized and addressed in capacity-reduction programs, can result in large-scale displacement of fishing effort. Latent permits could be eliminated through an MSFCMA mandate or the Council’s refusal to renew inactive permits. But some participants are concerned that doing so will penalize those who stopped fishing for conservation reasons or will create a “use-it-or-lose-it” scenario that provides a perverse incentive to fish. One participant proposed suspending, rather than revoking, inactive permits for an agreed-upon period of time. Others noted that to be successful, this system would require set rules describing gradual reactivation periods to give management time to adjust to changing capacities.

Alternative Management Approaches: Although a radical departure from present trends, one participant proposed that the Council reconsider open-access systems. This participant’s suggestion was based on the view that opening access to fisheries would eliminate the problems currently associated with permitting systems and could better control capacity by making it unaffordable to fish depleted stocks. But most participants argued that limiting access to fisheries is critical, noting that open-access management has failed to protect either the industry or the resource in the past. To improve the ease of implementation, one participant recommended that the Council consider limited-entry programs as flexible systems, with rules for entry and exit, rather than final and rigid moratoria on new entry. This participant noted that rights-based systems, such as individual fishing quota programs, allow for this flexibility and preclude the need to define capacity with precision. Another participant emphasized that managing capacity will not sufficiently sustain fishery resources if individual fishing effort is not controlled.

Buyback Programs: Participants recommended that the Council develop and implement a fair and permanent buyback program to reduce capacity in Mid-Atlantic fisheries. They noted that this will require information on present and future sustainable capacity levels. They emphasized the importance of involving fishery participants in the design of such a program and of correctly determining the value of fishing vessels. Some believe that the public should share the costs of a buyback program, but others disagree, suggesting that it is unrealistic to expect Congress to appropriate the necessary funds. As an alternative, one participant suggested that the government could support industry-funded buyback programs by providing bonds that those remaining in the fisheries would pay back over time. The MSFCMA provides for such an approach.

Regulatory Overcapacity

Participants expressed their concern that the accumulation of fishery regulations over the years has decreased the diversity and versatility of fishermen in the Mid-Atlantic region and caused the rules to become extremely complicated and difficult for both fishermen and managers to follow. Some suggested that Fishery Ecosystem Plans, described in the Ecosystem Principles

Advisory Panel report produced by NMFS, could help the Council to better integrate fishery activities and regulations within the region. Fishery Ecosystem Plans provide an overall framework to better coordinate fishery management plans; consider habitat for multiple, rather than single species; examine combined, rather than individual effects; and improve efficiency.

2. DECISIONMAKING

Decisionmaking is a key component of the fishery management system. All biological, ecological, social, and economic conditions in the fisheries are influenced by decisions made at the regional and federal levels that form the basis of fishery management plans and amendments. The discussion that follows summarizes the challenges and opportunities to improving decisionmaking identified by participants.

Management Goals

Participants acknowledged that the commercial and recreational sectors have fundamentally different goals for fisheries management and that both are major players in the Mid-Atlantic region. They realize that it is important for managers to reach agreement about how to allocate fishery resources equitably between the two groups and that doing so will require innovative means and ways to manage. Some participants stated that congressional guidance may be needed. Others noted that the Atlantic States Marine Fisheries Commission has successively addressed both commercial and recreational needs in the development of fishery management plans for some species, such as weakfish, and they suggested that its strategies be examined.

One participant emphasized the need to better acknowledge the goals and expectations of anglers who rely on their catch as a food source—independent of the recreational sector. Specifically, the participant recommended 1) that these anglers be recognized in the MSFCMA definition of recreational fishing by adding “for food” to the current definition of those who fish “for sport and pleasure,” and 2) that they be provided specific allocations based on various economic factors.

Council Representation

While the Mid-Atlantic Council has a good record of representing academic interests through council appointments, some participants suggested that it has failed to adequately represent other important interests related to markets, recreational fishing, and the environment. In addition to improving the breadth of representation, they believe that broadening council membership would increase education and communication among different interest groups and would improve the quality of council decisions. But others countered that interest group participation is ensured through the use of more than 20 advisory panels. They suggested the need for more confidence in the advisory process.

Some participants proposed that environmentalists, in particular, should have voting representation at the council level, noting that the conservation interests of this sector are routinely affected by council decisions. Some believe that qualifying criteria in the MSFCMA currently restrict environmental membership, but others disagreed, noting that the New England Council includes a member from the environmental sector. They suggested that, rather than trying to change qualifying criteria, environmentalists should increase the involvement of their constituents to improve their chance of being appointed to the Council through the nomination process. Some indicated that environmentalists are too ill informed to make decisions at the council level and suggested that existing council members are capable of representing conservation issues. But others argued that environmentalists will improve their knowledge only through increased involvement in the process and that council actions to minimize external threats from nonfishing interests would be strengthened by environmental support.

Some expressed concern over the quality of state representation at the council level, noting that, although charged with representing the interest of the state, state directors actually represent fishing constituencies. They suggested that state directors should increase their interaction and communication with public interest groups and represent the broader interests of the state. Some proposed that state delegates should be restricted to staff members only.

Science

Adequacy and Use: Participants commented that the scientific advice provided to the Council is rarely incorporated into fishery management decisions and is regularly criticized. They said anecdotal accounts of at-sea observations offered by industry often sway council votes in terms of more lenient restrictions. Some suggested that the science used to inform fishery management decisions in the Mid-Atlantic region is sufficient and too often used as a scapegoat to avoid making tough decisions. They believe that as fishery management becomes increasingly more sophisticated and fine-tuned, it tends to produce questions that science was never designed to answer, and suggested that solving such questions may require expenditures that the public is not willing to support.

Precautionary Approach: Some participants suggested that data inadequacies can be resolved by adopting a less information-intensive approach to fishery management—relying on a system that defines success broadly, rather than on precise calculations of how an endpoint will be achieved. They noted that a precautionary system of management would, at a minimum, protect stocks from further damage until more information becomes available. Others are strongly opposed to institutionalizing a precautionary approach as a means to deal with scientific uncertainty and criticize NMFS for forcing the councils to adopt such an approach without adequate authority. They suggested that the public should be willing to support the research necessary to make good fishery management decisions. They also recommended that, if the usefulness of such an approach will be debated during MSFMCA reauthorization, it should be clearly defined and its potential impacts on National Standards should be thoroughly considered.

Funding: Participants said NMFS needs more funding to collect and analyze sea sampling data in a timely fashion, purchase newer research vessels, improve recreational catch data, and collect more and better social and economic information. Current funding for scientific research is largely inadequate. Support was expressed for a bill that would allocate a portion of outer continental shelf oil and gas development revenues into a fund for ocean-related research. Support was also expressed for the establishment of a NMFS Mid-Atlantic Science Center or, at a minimum, the exclusive dedication of a portion of NMFS Northeast Regional Science Center resources to the Mid-Atlantic region. Some recommended that Congress better prioritize funding needs so that existing funds are more appropriately distributed.

Cooperative Research: Participants indicated that confidence in science would be tremendously improved if scientists increased collaborative efforts with industry and incorporated scientifically based at-sea observations into scientific analyses. In addition to increasing industry buy-in to scientific conclusions, they noted that cooperative, scientific data collection programs would improve the Council's scientific database, provide alternate employment opportunities for fishermen and vessels displaced by management regulations, and reduce the need for fishery observers. Cooperative research would also improve communication between industry and scientists and would educate each group about the others' operations. They said NMFS and Congress have not provided much support for collaborative research programs in the past, but noted that the industry has funded collaborative work and has carried observers free of charge.

One participant proposed that the Council allocate a small percentage of the total allowable quota in each fishery to cooperative research programs. Under such a system, the revenue generated from these landings would pay for industry vessels and crew to gather data on stocks and conduct gear experiments with an observer on board. It could also be used to fund independent review and analysis of data collected. Another participant pointed to Nova Scotia's Fishermen and Scientists Research Society as a good example of a cooperative system that allows qualified fishermen and scientists to bid on contracts to do necessary work in fishery management.

Others noted that NMFS has always relied on industry-generated information in the form of landings data but that these data have been unreliable in the past. They believe that industry information can dramatically improve fishery management, but only if it is accurate. Some suggested that establishing training programs to certify fishermen as sea samplers could better ensure the reliability of industry-generated information.

Alternative Decisionmaking Methods

One participant suggested that the decisionmaking process could be simplified if interest groups were separated into categories and each given authority over certain decisions. Industry, for example, could be given responsibility for decisions related to fishing schedules—when they will

or will not fish. This system would be based on the premise that each group recognizes its own needs better than any other. Other participants noted that such a system has the potential to be effective if an overall conservation framework is agreed upon in advance and if decisionmakers are directly accountable for abiding by conservation guidelines. One person pointed out that individual transferable quota and cooperative programs give fishermen this type of flexibility by providing them with the power to make decisions regarding their fishing operations and in effect to regulate themselves.

An alternate system suggested for consideration is one in which fishermen are not permitted to fish until they have first developed an approved fishery management plan. A system of this type is currently employed in Atlantic Canada. It gives fishermen the responsibility for plan development, while providing an excellent incentive to come to agreement on management measures.

3. MANAGEMENT IMPLEMENTATION AND ADMINISTRATION

The implementation of management decisions is an important part of the fishery management process. Roundtable participants exchanged views on management implementation and identified problems with the current system and how the process could be improved. Their discussion is summarized below.

System Organization

Some participants suggested that, as a food commodity, fisheries should be regulated under the U.S. Department of Agriculture rather than the U.S. Department of Commerce. Others suggested that NMFS should be charged only with the conservation of fishery resources, and a different agency should be developed and charged with increasing the economic power of the fishing industry. But some cautioned against further fragmenting marine resource management programs, indicating that fisheries are weakened by their current division between the State Department, Bureau of Indian Affairs, Coast Guard, state departments of fish and game, and NMFS. They noted that the industry could help itself tremendously by becoming better organized at the national level.

Council/NMFS Interface

Participants agreed that the administrative process must be rationalized to enable fishery management decisions to be made by the Council and approved and implemented by the Secretary in a timely fashion. They said the credibility of the process and institutions is suffering at present.

As a first point, participants noted that the 1996 SFA separated the review of plans and plan amendments from the review of regulations. They said this increases delays and often causes the

comment deadline to fall between council meetings, which disenfranchises the public from discussions. They recommended that these two review processes be recombined.

Second, it was noted that, in addition to requirements provided by the MSFCMA, NMFS and the Council are bound by many other innumerable, and sometimes redundant, requirements under the National Environmental Policy Act, Regulatory Flexibility Act, and Executive Order 12866 that add much procedural and administrative work to the plan development, review, and approval process. Some participants commented that meeting these requirements does not necessarily lead to more informed or rational decisions, and that often it burdens fishery management by consuming valuable resources, causing delays, increasing the complexity of the process, and creating opportunities for litigation.

A third point made was that the Council often prepares plans based on past criteria and requirements that are no longer valid. Participants stressed that it is important that the Council keep abreast of new rules and requirements and that NMFS communicate to council staff the criteria and requirements that must be met. Some noted that plans are often rejected by NMFS without adequate feedback and guidance. Participants recommended that fishery management plan development and rule writing be more of a collaborative process between NMFS and the Council.

Fourth, participants noted that NMFS does not start the clock for Secretarial review immediately upon receipt of a fishery management plan or amendment. While NMFS reportedly does this to ensure that plans are complete before going forward, some participants are opposed to this procedure, arguing that Congress never intended the agency to have that option. They believe that plans should be formally submitted upon receipt, and those that are incomplete should be disapproved, rather than corrected in an iterative process. They contended that this would establish a better record of problems encountered with the plans and would provide the Council with more guidance related to what actions are needed to meet the agency's approval.

Fifth, some participants see the fishery management process as becoming increasingly litigation-driven and claimed that this is affecting how fishery management plans and amendments are reviewed. Others disagreed with this perception and noted that, although lawsuits contribute greatly to the agency's workload, the agency has a 90-95 percent success rate in litigation. They suggested that the Council could help to make plans more legally enforceable by better articulating the rationale behind specific actions.

Sixth, participants said that the Mid-Atlantic Council is understaffed and does not have the expertise to write regulations, even though it is required to do so under the law. Regulations are currently drafted by the Council and finalized by NMFS, a process that some see as unnecessarily iterative and time-consuming. They suggested that the Council hire and train additional staff as "rule-writers."

Finally, some participants criticized NMFS for failing to approve and implement emergency rules in a timely manner. But others noted that emergency rules are bound by the same procedural requirements as other rules, with the exception of requirements under the Administrative Procedures Act. They indicated that there is a need to educate participants regarding the realities of fishery management processes.

Some participants suggested that default management measures should be established to protect those fisheries for which regulatory actions are delayed due to procedural or other problems. They recommended that Congress provide principles for default measures in the MSFCMA and strengthen the Secretary's authority to prepare a fishery management plan, for example, by requiring him to institute a quota designed to rebuild an overfished fishery in a particular time frame if a council plan is not forthcoming.

It appears to some participants as though, rather than strictly adhering to standards established in the MSFCMA, NMFS searches for a middle ground when developing guidelines and regulations and reviewing proposed actions—a policy that sends a bad message to Congress and causes confusion in the system. They proposed that the MSFCMA clarify who is in charge and has final decisionmaking authority.

Council/Atlantic States Marine Fisheries Commission Interface

Participants noted that the Mid-Atlantic Council is bound by legislative and administrative requirements to which the Atlantic States Marine Fisheries Commission is not subjected, which makes it even more difficult to integrate fishery management at the state and federal levels. Some said there is room for improvement, noting that state directors often appear to be more concerned with the Commission's operations than those of the Council. Others pointed out that the state/federal process has much improved over the last several years.

Council/Council Interface

Participants repeatedly emphasized that the fisheries of the Mid-Atlantic region are affected by decisions of the New England and South Atlantic fishery management councils. They noted the importance of improved cross-council communication and coordination; particularly between the Mid-Atlantic and New England councils. In addition to improving interactions between the regions, they said cross-council communication would provide opportunities for the exchange of new information, promote innovation, and establish a basis for learning—each of which would be particularly helpful to the councils in implementing the 1996 SFA provisions.

Communication/Public Relations

Participants complimented staff members of the Mid-Atlantic Council and NMFS regional office on their accessibility and helpfulness. They noted that the Council's recent addition of a communications specialist has improved the dissemination of information to the public.

Meeting Processes

Participants also agreed that the Mid-Atlantic Council has been relatively successful at running meetings efficiently, following the agenda, and minimizing personal attacks and threats. Some noted that stricter control over the length and subject of testimony would be an improvement.

Enforcement

NMFS enforcement is generally well received in the Mid-Atlantic region, according to most participants, and communication among enforcement officers, the Council, and industry is good. But, they noted that the close relationship between inshore and offshore fisheries makes coordinating state and federal enforcement of some fisheries difficult, resulting in situations where industry uses one system to evade the other.

Some participants suggested that the realities of enforcement should be better considered in the development of fishery management plans. They noted that in the past the Council has often adopted management measures over the advice of enforcement officers in the interest of obtaining agreement on plans. Others indicated that standards to bring a case to trial are too high and the penalties for violations too low. They said that failing to prosecute cases on which enforcement agents have expended time, resources, and effort to bring to trial is frustrating. Some participants recommended that Coast Guard officials be better trained with respect to fishery legislation and rules.

Participants said insufficient funds force NMFS and the Coast Guard to focus enforcement resources on large-scale violations and repeat violators, relying on state officers dockside to handle the smaller violations. Some comment that this tendency to "look the other way" when small violations occur, particularly in the recreational fisheries, is unfair. Participants strongly support increasing funding for state/federal cooperative enforcement agreements.

4. "NEW" MANAGEMENT TOOLS

Several tools and approaches not traditionally used in fishery management have been receiving increased attention across the nation for their potential to address problems associated with traditional management, such as overfishing, overcapacity, bycatch, and habitat degradation. Roundtable participants discussed the regional application of each of the following fishery management tools and approaches.

Individual Fishing Quotas

The Mid-Atlantic Council has recommended that the moratorium on the development of individual fishing quota programs be rescinded so that the full range of management options is made available to the Council. They argue that there must be confidence that those in the region will choose the appropriate management tool for each fishery. Some participants noted that, if the moratorium is rescinded, Congress should resist the temptation to put prescriptions in the law related to individual fishing quota programs. They stressed that these management tools should be allowed to compete with others on an equal footing. For example, if user fees are tied to individual fishing quotas, they should be tied to all other fishery management tools as well.

Participants acknowledged that some interests in the region have reservations about the use of individual fishing quotas, principally related to transferability and the potential for consolidation. For example, the Surf Clam and Ocean Quahog Individual Transferable Quota Program appears to many to have driven owner/operator industries to extinction. The participants agreed that these types of concerns must be addressed up front when developing an individual fishing quota program, but are best addressed in program design.

Some participants strictly opposed rescinding the moratorium unless certain criteria are met. These relate, in part, to keeping the resource in the public trust and not creating a compensable property right. Still others recommended that the role of processors in individual fishing quota programs be openly addressed.

Marine Protected Areas

Participants acknowledged that marine protected areas are an important option for fishery management in the Mid-Atlantic region because they have the potential to protect and conserve species that exhibit complex behaviors, improve management of fisheries for which little information is available, generate valuable biological and ecological baseline data, protect essential fish habitat, and promote community-based management. Even so, some indicated that scarce resources will prevent further examination of this tool as a management alternative until the issue is formally raised before the Council. Proponents of marine protected area management suggested that the time for further consideration has come. Some even added that there may be a need for statutory language to trigger the creation of marine protected areas.

Others said, although the preservation benefits of marine protected areas are clear, the fishery management benefits are not. They noted that direct fishery management benefits, such as increased yields, depend on fish migration and larval dispersion for which little information exists. Some participants urged the Council not to delay consideration of marine protected areas due to uncertainty regarding direct fishery management benefits. Instead, they said the Council

should recognize the many indirect benefits associated with marine protected areas, such as increased biodiversity and scientific research.

Some participants expressed strong opposition to the use of marine protected areas as a fishery management tool. They believe that fishermen should not be restricted from productive fishing grounds and questioned whether difficulty accessing marine protected areas will limit their potential to provide public benefits in the form of nonfishing recreational and educational opportunities. They also noted that attempts to regulate these areas will generate additional conflict between recreational and commercial interests and gear groups. Others countered that access to marine protected areas will be provided via television, real-time Internet connections, and other technology, and noted that even inaccessible areas will be valued by many people for their existence alone. Some participants indicated that marine protected areas do not have to be considered an all-or-nothing concept because each can be designed to fit unique circumstances and meet specific management objectives.

Enterprise Allocation System

One participant noted that the Enterprise Allocation System created in Canada provides an alternative to traditional management of fisheries that include a small number of participants. Under this system, companies involved in each fishery are allocated a portion of the quota at the beginning of each year and can decide in advance how to fish that allocation.

Cooperative Management

Another participant suggested that cooperative programs, such as that employed in the Alaskan pollock fishery, should be examined, noting that cooperatives ensure against consolidation and allow fishermen much flexibility and independence in their fishing operations. Other participants suggested that the Canadian individual transferable quota program also be examined. Fishermen in this program are moving toward a cooperative management regime in which quota is pooled and participants decide collectively how it will be fished.

Spawning Ground Closures

Still another participant indicated that spawning ground closures may be an effective management measure that, although not traditionally used, would be well received by industry. The participant suggested that the Council be given more flexibility to quickly close spawning areas for short periods of time when determined to be necessary. Others noted that existing law provides a mechanism to close spawning grounds rapidly by bypassing the council rulemaking and public comment process. But this requires providing the Regional Administrator with the authority to close areas based on predefined arrangements. It was noted that in the past the councils have been reluctant to provide such authority.

Data Collection

Electronic Reporting: Participants noted that data recorded in paper logbooks are not amenable to rapid analyses. Most agreed that the fishery management system should progress to electronic data collection and reporting, a move that will require both a fundamental change in thinking and a source of funding. They suggested that legislative language authorizing a modernization of the data collection program for fisheries and supporting funds would send a strong signal to appropriators that Congress supports this initiative.

Atlantic Coastal Cooperative Statistics Program: Participants agreed that state-level data collection programs must be improved. They pointed to the Atlantic Coastal Cooperative Statistics Program as an excellent example of a workable state-level data collection program and said this program should be funded.

Marine Recreational Fishery Statistical Survey: Participants noted that the Marine Recreational Fishery Statistical Survey should not be relied on as a management tool because it was not designed for that purpose. But they noted that improvements in the information generated from this survey can help to improve planning processes and allocations. They recommended increasing the number of samples covered by this survey and expanding the information gathered.

Observer Programs: Participants recommended that the Council and NMFS develop and implement an observer program to increase the collection of biological and ecological data in the Mid-Atlantic region. This was viewed as a basic need and was widely supported by participants. But some pointed out that funds to implement such a program are insufficient, noting that industry members are reluctant to take on this expense, at least entirely. Some suggested that a sea sampling observer program should be established within NMFS's operating budget so that funds can be allocated to such a program without detracting from other funding categories. Others said it is unrealistic to expect congressional appropriations to cover observer expenses and urged the Council to look to the industry to fund the work, as has been done in the North Pacific region for many years. Alternate funding mechanisms suggested include establishing an observer pool, which would be paid into by industry and environmental interest groups; asking recreational fishermen to volunteer as observers; using revenues from regulatory bycatch to fund an observer program; or requesting funds from Sea Grant.

Weigh Masters: Fishermen participating in Nova Scotia's groundfish fishery are required to notify a designated weighmaster when returning to port who, in turn, is responsible for meeting the vessel, recording catch information, and electronically reporting it to the Department of Fisheries and Oceans within a very strict time frame. Some participants suggested that such an industry-funded system be examined.

ACTIONS RECOMMENDED BY ROUNDTABLE PARTICIPANTS

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General recommendations offered by roundtable participants to assist the Mid-Atlantic Council with implementation of the 1996 amendments to the MSFCMA and to improve the effectiveness of fisheries management in the Mid-Atlantic region include:

- Integrate commercial and recreational management goals.
- Better account for recreational participation and impacts.
- Collect more and better biological, ecological, social, and economic data.
- Coordinate coastal zone activities with the need to protect essential fish habitat.
- Reduce fishing capacity.
- Improve decisionmaking.
- Increase funding.
- Increase cooperative research with the fishing industry.
- Reduce administrative delays.
- Strengthen enforcement.

Many specific actions to implement these recommendations were identified by participants throughout the roundtable discussion. Those with apparent support of the majority are listed below. Participants did not necessarily characterize proposed actions as most appropriate for Congress, NMFS, or the councils; we have done so here in the interest of making the information more useful. A more detailed discussion of the issues leading to these recommendations can be found in earlier sections of this report.

1. WHAT CONGRESS CAN DO

- Fund biological, ecological, social, and economic data collection and analysis.
- Fund the Atlantic Coastal Cooperative Statistics Program.
- Fund a recreational data collection system.
- Fund cooperative research programs.
- Fully fund mandates of the MSFCMA.
- Clarify management goals and reconcile conflicting goals.
- Provide guidance on commercial/recreational allocations.
- Provide a mechanism to reconcile state and federal fishery management goals, standards, and requirements.
- Provide a mechanism to protect U.S. fishermen who must abide by stricter conservation standards.
- Require regional fishery management councils to consider the impacts of fishing regulations on other council regions.
- Strengthen default management measures in the MSFCMA.
- Recombine the comment periods for amendments and implementing regulations that were separated in the 1996 reauthorization of the Act.

- Streamline legislative requirements under the National Environmental Policy Act, the Regulatory Flexibility Act, the Administrative Procedures Act, and the MSFCMA.
- Incorporate enforcement funding into the MSFCMA.
- Fund cooperative state/federal enforcement agreements.
- Eliminate the provision limiting fines to an individual's ability to pay.

2. WHAT THE NATIONAL MARINE FISHERIES SERVICE CAN DO

- Employ more social science staff in the regions and headquarters.
- Expand social science data collection and analysis.
- Collect more and better biological and ecological data.
- Improve analysis of existing data.
- Develop and implement cooperative research programs.
- Improve the Marine Recreational Fishery Statistical Survey.
- Recognize both commercial and recreational perspectives in the formation of management goals.
- Implement a federal saltwater recreational permit system.
- Provide the Mid-Atlantic Council with more feedback and guidance.
- Provide opportunities for cross-council communication.
- Look for ways to simplify the documentation process and reduce delays.
- Penalize fishery violations more severely.
- Prosecute fishery violators to the full extent.
- Develop and implement observer programs.
- Develop cooperative state/federal enforcement programs.
- Assist the Council in the design and implementation of an observer program.

3. WHAT THE MID-ATLANTIC FISHERY MANAGEMENT COUNCIL CAN DO

- Re-examine funding priorities.
- Eliminate latent permits.
- Design and implement a buyback program.
- Better acknowledge and manage the recreational sector.
- Improve cross-council communication and coordination.
- Improve meeting processes.
- Keep up to date on federal rules and requirements.
- Articulate the rationale behind specific actions in fishery management plans and amendments.
- Better consider the practicalities of enforcement in fishery management plan development.
- Simplify fishery rules and regulations.
- Develop and support observer programs.
- Consider individual fishing quotas and cooperative programs to assist with capacity reduction.