



*Working towards healthy, self-sustaining populations
for all Atlantic coast fish species or successful
restoration well in progress by 2015*

ASMFC Issues and Challenges

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Presentation Outline

- **ASMFC overview**
- **Shift in stakeholder views**
- **2006 Magnuson-Stevens Reauth Act**
- **Recreational licenses**
- **Litigation**
- **Looking forward**



Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA) of 1993

- **Standards for fisheries management**
- **States develop FMPs**
- **SECDOC preemption for noncompliance**
- **Authorizes funding through NOAA**





ASMFC FMPs

- | | | |
|----------------------|------------------------|--------------------|
| ➤ American Eel | ➤ Coastal Sharks* | ➤ Spot |
| ➤ American Lobster | ➤ Horseshoe Crab | ➤ Spotted Seatrout |
| ➤ Atlantic Croaker | ➤ Northern Shrimp | ➤ Striped Bass |
| ➤ Atlantic Herring * | ➤ Red Drum | ➤ Summer Flounder* |
| ➤ Atlantic Menhaden | ➤ Scup* | ➤ Tautog |
| ➤ Atlantic Sturgeon | ➤ Shad & River Herring | ➤ Weakfish |
| ➤ Black Sea Bass* | ➤ Spanish Mackerel * | ➤ Winter Flounder* |
| ➤ Bluefish* | ➤ Spiny Dogfish* | |

*** Joint and complementary FMPs with federal plans**



Shift in Stakeholder Views

Atlantic Menhaden and Sea Herring

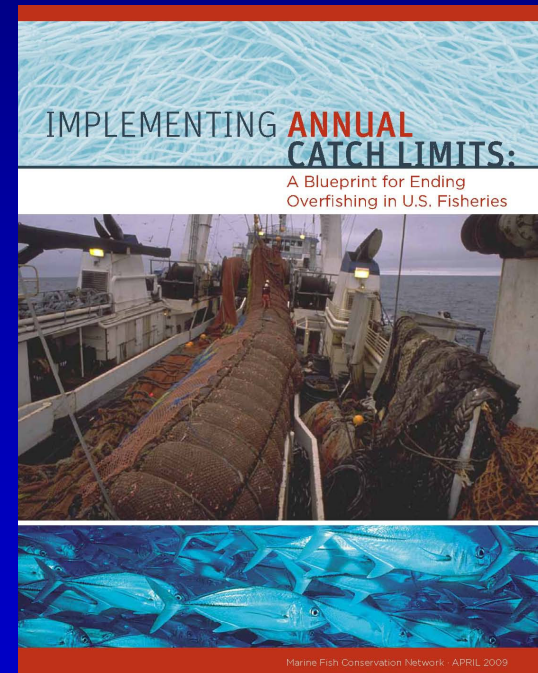
- Large v. small vessels
- Localized depletion
- Predator needs
- Lobster bait - recreational -
NGOs - industry





2006 MSRA

- **ACLs – AMs – SSC advice**
- **Joint Plans**
 - **Varies by plan and Council**
 - **Accept Council determinations**
 - **State reps on SSC and MC**
 - **Non-alignment impacts state-fed permits**





2006 MSRA

- **ASMFC yet to adopt MSRA requirements**
 - **Science advice, timelines, catch limits**
 - **Commissioners want flexibility**
 - **Some stakeholders want improved results**



Recreational Licenses

- *Florida – Delaware*: in place
- *New York – Maine*: in progress
- *New Jersey*: no license, no plan
- *ASMFC*:
 - Support MRFSS/MRIP improvements
 - Fully engaged in MRIP development





United Boatmen v. ASMFC

Complaint:

- 2008 summer flounder regulations
- ASMFC ‘quasi-federal agency’
- Receives NOAA funding
- NMFS sits on boards
- ACFCMA created federal process





Second Circuit Court Decision (June 2010)

- No right of legal review from Congress
- Lower court cannot create that right
- ASMFC – Legislative nature, politically accountable body





Five Data-Related Complaints

- Catch histories – quota allocation
- Sea scallops – tilefish – groundfish
- NMFS decision to deny

Complaint:

- Flawed data from ASMFC
- No credit for unreported landings





ASMFC Response

- **No legal basis for action against ASMFC**
- **No authority for ASMFC to provide remedy**
- **3 complaints dropped after motions to dismiss**
- **2 complaints dropped after Rule 11 Sanction**



Looking Forward

- **ASMFC goals developed 15 years ago**
- **New gen Commissioners face new problems**
- **State budget constraints**
- **Habitat degradation**
- **Increased stakeholder presence (resistance)**





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Please visit our website at www.asmfc.org

