

## ASMFC To Notify Virginia of Potential Noncompliance Action

### *Virginia refused to implement mandatory fishery cap*

The Atlantic States Marine Fisheries Commission's Atlantic Menhaden Management Board initiated a noncompliance finding in response to the Commonwealth of Virginia's failure to fully implement the mandatory provisions of Amendment 3 to the Interstate Fishery Management Plan. Specifically, the Commonwealth has not established the Chesapeake Bay reduction fishery cap of 51,000 mt.



Rather than forwarding that finding to the Commission's Interstate Fisheries Management Program, the Board postponed action on the noncompliance finding until the Commission's Summer Meeting in August 2018. In the interim, the Board has requested the Commission send a letter to the Commonwealth of Virginia stating its intent to consider the noncompliance finding in August if the Commonwealth has not implemented Amendment 3's Chesapeake Bay reduction fishery cap. Staff will monitor the fishery and inform the Board if harvest is approaching 51,000 mt in the Bay.

There are several reasons why the Board postponed action. The Commonwealth's General Assembly, which oversees Atlantic menhaden management in Virginia, is still in session and has an opportunity to implement the 51,000 mt Bay cap. The reduction fishery is just beginning for the year and is highly unlikely to exceed the Bay cap prior to August given the performance of the fishery for the past five years (i.e., reduction fishery in the Chesapeake Bay has been significantly below 51,000 mt over that time period).

Upon notification by the Commission of a noncompliance finding, the Secretary of Commerce has 30 days to review the recommendation and determine appropriate action, which may include a federal moratorium on fishing for Atlantic menhaden in Virginia's state waters.

For more information, please contact Max Appelman, Fishery Management Plan Coordinator, at [mappelman@asmfc.org](mailto:mappelman@asmfc.org).

## NOAA VOICES WHALES (from page 25)

Lead author **Holly Root-Gutteridge** was a postdoctoral researcher at the time of the study with Susan Parks, an associate professor in the Syracuse University Biology Department. Root-Gutteridge noted that right whales have control over their voices as they age and may be sending more complex information that we previously thought. Parks, also a co-author of the study, and NEFSC's Van Parijs have collaborated on several projects to improve understanding of the acoustic behavior of right whales.

### Control over voices as they mature

Call rates have been shown to vary with behavior. Higher rates occur during surface activity and travelling than occur during foraging and "logging" behavior. Logging is when whales spend prolonged periods at the surface without engaging in much physical activity, resembling floating logs. Right whales also display flexibility in sound production, responding to changes in background noise by modifying their frequency and call amplitude in noisy environments.

In this study, the most noticeable changes observed in whale calls occurred between the first and second years of life. When younger than age 1, the calves made highly distinctive and chaotic calls comparable to babbling in human infants. By their second year, the calls were still short and chaotic but more closely resembled adult calls. Between ages 2 and 8, the juvenile calls developed with less chaos and increased control over the sounds, possibly showing a need to distinguish between individual animals.

Data used in the study were collected during 1999 to 2016 in the Bay of Fundy, Cape Cod Bay, and off the southeastern U.S. coast. Of the 986 calls from 49 individuals, 515 calls were collected using digital archiving acoustic recording tags (DTAGs) briefly attached to an individual whale. Researchers first attached the tag to a carbon fiber pole that they then used from a small vessel to reach the whale. The work was conducted under federal research permits and after observation of the animal's behavior, with photo identification to determine the identity of the whale.

The remaining 471 calls were recorded using underwater microphones deployed from small boats. One individual whale was recorded by both a hydrophone and a DTAG. Most of the recordings were made in the Bay of Fundy or in Cape Cod Bay, when the animals were feeding or were engaged in social interaction. The rest were made when whales were calving or nursing in coastal waters off the southern U.S. coast.

"This is the first evidence for similarities in acoustic changes between humans and a long-lived whale species," said Van Parijs. "It is exciting, but we have a lot more work to do to understand how possible physical changes, social learning, and environmental influences impact right whale communication."

In addition to NOAA's Northeast Fisheries Science Center, participants in the study are affiliated with Syracuse University, Cornell University, and the Duke University Marine Lab.

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