

WITEK: ASMFC (from page 6)

Despite the standard that clearly states that “management measures shall be designed to prevent overfishing,” the ASMFC adopted Amendment 1 to the Interstate Fishery Management Plan for Tautog in 2017, which has only a 50-50 chance of ending overfishing on the Long Island Sound population by 2029, and does nothing to prevent overfishing before then.

And despite that standard’s clear requirement to “maintain...abundant, self-sustaining stocks” of coastal fish, **the ASMFC’s Atlantic Striped Bass Management Board failed to take action to prevent that stock from becoming overfished, even though scientists had given clear warning that the spawning stock biomass was in decline.**

That’s probably because the ASMFC Charter does not clearly set out just what an FMP must do.

The same paragraph that requires an FMP to “include conservation and management measures that ensure the long-term biological health” of fish stocks also states that “Social and economic impacts and benefits must be taken into account” and, in what may be the ASMFC Charter’s most confounding statement, declares that “an effective fishery management program must be carefully designed in order to fully reflect the varying values and other considerations that are important to the various interest groups involved in coastal fisheries.”

Thus, in a single FMP, the ASMFC is expected to prevent overfishing, rebuild overfished stocks, and account for social and economic impacts, while at the same time fully reflecting the values of interest groups ranging from the conservation community to industrial fishing fleets and everyone else in-between. Resolving such conflicting considerations is an impossible task, which is made even more difficult by the fact that the courts, which act as a final arbiter of federal fishery conflicts, have no authority to review ASMFC FMPs pursuant to the federal Administrative Procedure Act.

The ASMFC has perpetuated that no-win situation in “Goal 1” of its new Five-Year Strategic

Plan (Strategic Plan), which states that “Commission members will advocate decisions to achieve the long-term benefits of conservation, while balancing the socio-economic interests and needs of coastal communities.”

By seeking an illusory “balance” between conservation and socio-economic concerns, rather than prioritizing the needs of fishery resources, the Strategic Plan will help ensure that ASMFC will continue to produce weak, ineffective FMPs that fail to rebuild overfished stocks, and place even the few currently healthy stocks at risk of following the striped bass into decline.

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