

*Atlantic States Marine Fisheries Commission*



*ASMFC Vision Statement:*

Healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015

**ADDENDUM III**  
**TO AMENDMENT 4 TO THE**  
**INTERSTATE FISHERY MANAGEMENT PLAN FOR**  
**WEAKFISH**

**Board Approved May 8, 2007**

### **Acknowledgements**

This addendum was prepared by the Commission's Weakfish Plan Development Team. Development of the document benefited greatly from the input of the Weakfish Technical Committee and members of the Weakfish Management Board. The Weakfish Management Board approved Addendum III on May 8, 2007.

## **STATEMENT OF THE PROBLEM**

As a result of Shrimp Amendment 6, the Atlantic States Marine Fisheries Commission's Weakfish Amendment 4 and the South Atlantic Fishery Management Council's Shrimp Fishery Management Plan are inconsistent with regard to the amount and type of bycatch required of certified bycatch reduction devices (BRDs). Without modification to Weakfish Amendment 4, new BRDs certified for use in federal waters would not be certified for use in state waters. The Commission is committed to close cooperation with the Council and the Weakfish Management Board is required to ensure that state and federal fishery management programs are coordinated, consistent, and complementary (ASMFC 1995).

The Commission supports the basis of the Council's decision to modify the BRD certification requirements in Amendment 6. However, the reasoning included a statement on weakfish status based on earlier virtual population analysis that has since been proven to be flawed and the weakfish stock is currently below the biomass threshold (ASMFC Weakfish Stock Assessment Subcommittee 2006a, 2006b). While it is not clear whether the Council would have made the same decision with a declining weakfish stock, the Weakfish Management Board clarified that modification of the requirement in Weakfish Amendment 4 is the preferred option for the following reasons.

The Weakfish Management Board indicated that sampling to determine if a particular BRD would reduce weakfish bycatch by the prescribed amount was very difficult and often led to samples being taken outside of traditional shrimping grounds. Additionally, the statistical requirements in the previous BRD certification protocol made it very difficult to certify a BRD as useable by the industry. The new protocols in Shrimp Amendment 6 will promote the testing of new devices that both reduce finfish bycatch and retain shrimp catch. Finally, because weakfish generally react favorably to a BRD and escape from the net compared to many other finfish species such as flatfishes (SAFMC 2004), the 30% reduction of total finfish weight in Shrimp Amendment 6 will likely result in equal or greater protection to weakfish specifically.

## **INTRODUCTION**

On October 25, 2006, the Atlantic States Marine Fisheries Commission Weakfish Management Board called for an addendum to Amendment 4 to the Interstate Fishery Management Plan (FMP) for Weakfish. The purpose of this addendum is to address an inconsistency between the Commission's and the South Atlantic Fishery Management Council's penaeid shrimp bycatch reduction device requirements.

Preparation of the initial Commission FMP for Weakfish was motivated, in part, by a concern regarding bycatch. The included management measures were voluntary and recommended the use of turtle excluder/trawl efficiency devices (TEDs) in the southern shrimp fisheries to maximize escapement of juvenile weakfish from trawl bycatch. Following the plan's implementation, improvements in stock status were not evident and a stock assessment indicated

that weakfish bycatch in the penaeid shrimp trawl fishery along the southeast United States contributed significantly to the fishing mortality on age 0 and 1 weakfish (Vaughan et al. 1991).

Amendment 1 to the FMP was adopted by the Commission in October 1991 and included the recommendation that all South Atlantic states (North Carolina through the east coast of Florida) implement programs to reduce the bycatch mortality of weakfish in their shrimp trawl fisheries by 50% by January 1, 1994. While none of the states with directed fisheries adopted management measures consistent with the recommended exploitation targets in Amendment 1, some progress in bycatch reduction was achieved through adoption of TEDs in the southern shrimp fisheries. Amendment 2, approved in October 1994 as an interim measure following the passage of the Atlantic Coastal Fisheries Cooperative Management Act, required the South Atlantic states to implement management measures to achieve a 50% reduction in weakfish bycatch in the shrimp trawl fisheries for the 1996 shrimping season.

The Weakfish Management Board approved Amendment 3 to the FMP in May 1996. Section 3.3.9 *Bycatch Reduction Devices (BRDs) and Methods* required one or more BRDs in all penaeid shrimp trawl nets with a headrope length exceeding 16 feet and having mesh less than 2.5 inches stretched inside measurement (middle to middle knot measurement). All BRDs were required to be certified to demonstrate a 40% reduction in catch (by number) or 50% reduction in bycatch mortality of weakfish when compared to catch rates in a naked net. Amendment 4, approved in November 2002, extended these measures in section 4.2.8 *Bycatch Reduction Devices (BRDs) and Methods*.

The South Atlantic Fishery Management Council also has bycatch reduction requirements in its Shrimp FMP. Shrimp Amendment 2, approved in 1996, was consistent with Weakfish Amendment 4, requiring BRDs certified to demonstrate a 40% reduction in number or 50% reduction of bycatch mortality of juvenile Spanish mackerel and weakfish. However, in 2004, the Council decided to alter the Shrimp Amendment 2 BRD certification requirements.

Shrimp Amendment 6 was completed in 2004 and the final rule made effective in January of 2006. Under the amendment, the certification of any new BRD now requires a statistically demonstrated reduction in the total weight of finfish by at least 30%. The Council provided several reasons for this action: 1) during the development of Shrimp Amendment 2, the Spanish mackerel and weakfish stocks were both considered overfished, after which Spanish mackerel was declared fully recovered and weakfish no longer overfished (based on MSAP 2003 and Kahn 2002, respectively); 2) changing the certification criteria to a general finfish reduction requirement would support the Council's efforts to achieve an ecosystem approach in fisheries management; 3) the technology devices mandated for use were estimated to reduce finfish bycatch by at least 30%, resulting in bycatch that was not having a significant adverse effect on finfish catch, and thus the Council had reduced bycatch to the extent practicable; and 4) a general finfish reduction criteria would allow for more flexible testing of BRDs by not emphasizing a particular species, would conform to criterion currently applicable to the shrimp fishery in the eastern Gulf of Mexico, and would allow certification of two additional BRDs for use in the Atlantic shrimp fisheries (SAFMC 2004).

## MANAGEMENT PROGRAM CHANGES

The following text replaces Section 4.2.8 of Amendment 4. Some language is preserved from Section 4.2.8; changes are in bold print in the replacement text below.

### *Bycatch Reduction Devices (BRDs) and Methods*

Overtime, bycatch reduction devices have been developed for many gears to reduce the take of both undersized and legal sized weakfish. As additional bycatch reduction devices are developed, the Management Board may choose to provide incentives or require these devices in order to reduce bycatch.

One or more BRDs shall be required in all food shrimp (penaeid) trawl nets with a headrope length exceeding 16 feet and having mesh less than 2.5 inches stretched inside measurement (middle to middle knot measurement). **All BRDs must be properly installed and certified to reduce the weight of finfish by at least 30% when compared to catch rates in a naked net. Those BRDs previously certified to reduce the bycatch component of fishing mortality for weakfish and Spanish mackerel by 50% or demonstrate a 40% reduction in numbers of weakfish and Spanish mackerel through the Council's BRD certification program are considered certified to reduce finfish bycatch weight by 30% as well. To be used in the fishery and meet the requirements of this addendum, a new BRD must be tested under the Bycatch Reduction Device Testing Protocol and certified for use by the Regional Administrator of the NMFS Southeast Regional Office.**

States are encouraged to continue research on gear technology and methods that will result in further bycatch reductions.

## IMPLEMENTATION SCHEDULE

The change implemented in this addendum affects the certification of new BRDs only. All BRDs previously certified through the Bycatch Reduction Device Testing Protocol continue to be certified for the southern penaeid shrimp trawl fishery. Effective immediately, states will require vessels in this fishery to employ previously certified BRDs or those newly tested and certified to reduce the weight of finfish bycatch by 30%.

## REFERENCES

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