

Saltwater Regulations Background

Introduction

It is important to identify fish to know if they are a regulated species. It is important to be aware of the regulations in case you encounter an Environmental Conservation Police Officer.

Federal Agency Responsibility

In 1976, the Magnuson-Stevens Fishery Conservation and Management Act was passed by the United States Congress to govern the management of marine fisheries in the United States. The act created eight regional fish management councils throughout the country that work in partnership with the National Oceanic and Atmospheric Administration's (NOAA) fishery division; the National Marine Fisheries Service (NMFS). NOAA-NMFS is the lead federal agency responsible for the stewardship of the nation's offshore living marine resources and their habitatⁱ.

The Regulations Path: How Rules and Regulations are Made

Federal regulations are made for species that are under significant recreational and commercial demand. Regulations for each species are based upon environmental conditions, available habitat, and data from biomass assessments. Federal regulations are then given to the eight regional fisheries management councilsⁱⁱ. Because fish do not adhere to political boundaries, the Atlantic States Marine Fisheries Commission (ASMFC) was created to coordinate the management of fisheries on the east coast. The ASMFC consists of representatives from 15 states, serving as a forum to collectively address fisheries issues, who delegate federal fishery requirements amongst those states. States include: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida. Each state has three commissioners: the director for the state's marine fisheries management agency, a state legislator, and a citizen appointed by the governor. The commissioners then deliberate how the federal requirements will be met, proposing the marine fishery regulations for that state. Proposed state regulations are then submitted to the Secretary of Commerce. The Secretary either approves or amends proposed state regulation, and seeks public comment. Final decisions are sent to NOAA-NMFS for implementationⁱⁱⁱ.

NYSDEC Role

Specifically in New York, the New York State Department of Environmental Conservation (NYSDEC)-Marine Resources Division helps set marine regulations following ASMFC requirements. Moreover, in 1987 the Marine Resources Advisory Council (MRAC) was established by New York State Legislature to provide advice to the NYSDEC on issues pertaining to New York's living marine resources and the fisheries these resources sustain. MRAC meetings are open to the public and allow for interested parties, such as conservation agencies and concerned citizens, to provide input.^{iv}

Regulation Categories

There are several regulations for significant fish species including, size limit, open season, and daily limit. Restrictions on the use of bait and on the transportation, sale, and purchase of fish are also enforced by the NYSDEC. Regulations help ensure the continuation of fish populations, as well as a healthy marine ecosystem that enhances the quality of life for the

public. Currently in NYS, there is no license required for saltwater fishing. For this activity we will focus primarily on the size limit, open season, and bag limit for New York's saltwater fish.

Size Limit

Size limits are set for each regulated species to determine the minimum length that species must be if it is to be kept. Lengths are based on species reproduction age and growth rates, as well as the Federal regulation quota. Federal regulations for each species are listed in pounds per species, which is then calculated by individual states into length in inches.

Open Season

Open season states what time of year an angler can fish for specific species. Fishing seasons are based on fish spawning periods. This prevents anglers from taking fish during or prior to spawning periods.

Bag Limit

Bag limit or daily limit sets restrictions on the number of each species one can keep in a 24 hour period. This helps to reduce over-fishing in our marine fisheries.^v

Vocabulary

- Anal Fin: Last bottom fin on a fish; located near the anal opening; used in balance and steering
- Bag Limit: Number of fish one is allowed to keep; each fish is different
- Caudal/Tail Fin: Fin on end of fish; used to propel the fish
- Dorsal Fin: Top or backside fin on a fish; used for balance and protection
- External Anatomy: The outside body parts
- Gills: Organ a fish uses to obtain oxygen from the water
- Lateral Line: Organ a fish uses to "feel" low vibrations; tiny microscopic pores
- Nares: Organ a fish uses to smell; similar to nostrils
- Open Season: The calendar dates during which it is permissible to fish for a particular species of fish
- Pectoral Fin: Chest fins on a fish; used for balance
- Scales: Protective cover on a fish; similar to skin
- Size Limit: Specific size fish must be to keep; each fish is different
- Slime: Covers scales; layer protects from bacteria, parasites, etc.
- Ventral Fin: Bottom or belly fins on a fish; used in balance and steering

ⁱ NOAA Fisheries Service. (2008) Fisheries Feature. Regulations. 16 July 2008
<<http://www.nmfs.noaa.gov/regulations.htm>>.

ⁱⁱ Mid-Atlantic Fishery Management Council. (2008). About MAFMC. 21 July 2008
<<http://www.mafmc.org/mid-atlantic/mafmc.htm>>.

ⁱⁱⁱ Atlantic States Marine Fisheries Commission. About Us. 16 July 2008
<<http://www.asmfc.org/>>.

^{iv} Carroll, George E. Marine Resources Advisory Council. Home Page. 21 July 2008
<<http://www.msrb.sunysb.edu/MRAC/>>.

^v New York State Department of Environmental Conservation. (2008) Regulations and Enforcement. 16 July 2008 <<http://www.dec.ny.gov/65.html>>.