



MARINE RESOURCE INFORMATION BULLETIN

A SEA GRANT ADVISORY SERVICE

Virginia Institute of Marine Science, Gloucester Point, Virginia 23062



Corps of Engineers Issues New Regulations

As a result of a decision of a United States District Court, the Corps of Engineers has published new regulations governing the construction of structures, dredging or filling in waterways and adjacent wetlands. The regulations, which became effective July 25, 1975, extend the jurisdiction of the Corps of Engineers to include wetlands above the mean high water line (MHW).

Prior to the court decision, the Corps authority in Virginia extended shoreward only to MHW, and coastal wetlands were regulated entirely by county or city wetlands boards or by the Virginia Marine Resources Commission (VMRC) in accordance with the Virginia Wetlands Act of 1972.

The Virginia Wetlands Act, which is still effective, regulates wetlands up to an elevation of 1.5 times the mean tide range measured from the mean low water mark. For example, if the mean tide range at a given point is two feet, the upper limits of wetlands is three feet. If necessary, this line can be located on the ground by usual survey methods.

There is a significant difference in the new regulations of the Corps of Engineers. The definition of wetlands used by the Corps is based entirely on an analysis of vegetation found in an area. The definition does not establish a physical line that can be determined

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by a survey; therefore, the upper limits of Corps jurisdiction becomes a matter of subjective opinion at any given location.

According to George Dawes, assistant marine scientist in wetlands research, VIMS wetlands specialists feel that the new definition is defective in this regard and are urging the Corps to adopt the definition contained in the Virginia Wetlands Act insofar as projects in Virginia are concerned.

The new regulations are termed to be "interim final". Although they are in effect now, persons may comment to the Corps of Engineers until October 15, 1975. The Corps also will be conducting public hearings during this period. Subsequent to the public hearings and receipt of comments, the Corps will review its regulations to determine if amendments are necessary.

The new regulations were published in the Federal Register of July 25, 1975. Persons desiring to comment may submit them to: Chief of Engineers, Forrestal Building, Washington, DC 20314, Attn: DAEN-CWO-N.

In the meantime, VIMS wetlands specialists recommend contacting the Corps of Engineers prior to conducting any sort of construction, most specifically dredging or filling, near or adjacent to a waterway. Those persons seeking permits along the Potomac River or any of its tributaries should address: Baltimore District, Corps of Engineers, P. O. Box 1715, Baltimore, MD 21203.

All other persons in Virginia should address: Norfolk District, Corps of Engineers, 803 Front Street, Norfolk, VA 23510.



A VIMS educational service

marine mailbag

Q: I would appreciate it if you would give me all the information you can about sharks and their habits and habitat. If possible, I would like to get a detailed record of shark attacks that have been reported. I would also like to have a list of books on sharks.

J. J.
Leesburg, Va.

A. Herman Oelrichs offered \$500 for anyone with news of a shark attack on a human north of Cape Hatteras, North Carolina. Even though this was a great deal of money in the late 1800's when it was offered, no one ever claimed the reward. Gilbert (1963) reported that in the entire history of the eastern United States north of Florida, 33 attacks have been recorded, and less than half of these were fatal. Only one attack has ever been substantiated for Virginia and that one was not fatal. Your chances of drowning are much greater, and compared to your chances of being injured in an automobile accident, the danger of shark attacks is negligible.

Sharks are found most abundantly in the tropical and subtropical belt, a few in the temperate region, and only one genus regularly inhabits Arctic waters. Although over 250 species of sharks are known, only 27 have been directly implicated in attacks on men or boats. Some of the largest sharks known, such as the whale shark, are harmless to man because they feed on small plankton.

Before World War II, sharks were actually of little concern to most of the world, save Australia and South Africa. But with the deployment of servicemen to tropical and subtropical islands, the shark suddenly became an object of considerable concern and interest. Although the worldwide number of shark attacks

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Coastal Study Commission

Possible OCS Impacts on Virginia Explored

Do Outer Continental Shelf (OCS) oil and gas reserves exist in areas lying offshore of and adjacent to the Mid-Atlantic States of New Jersey, Delaware, Maryland and Virginia?

To date, the answer to this question has not been clearly determined. However, in view of the Supreme Court's recent decision in the case, *United States v. Maine, et al.*, and the subsequent call for nominations for OCS lease tracts in the Baltimore Canyon area by Department of Interior's Bureau of Land Management, exploration of the Mid-Atlantic OCS by oil and gas interests seems inevitable.

Development and exploitation of OCS resources will occur only if exploratory drilling operations locate physically and economically recoverable quantities of oil and gas, and no substantial blocks by state or environmental sectors interrupt or halt the leasing or exploration phases.

While the initial decision to lease and explore the Mid-Atlantic OCS area will be made at the federal level, state governments can exercise significant control over OCS activities. Through effective planning and the development of policies, procedures and guidelines, potentially undesirable impacts of OCS development upon onshore and offshore areas within state jurisdiction can be minimized.

Accordingly, with the passage of Senate Joint Resolution Number 137 in late February, 1975, the Commonwealth of Virginia clearly demonstrated that it intends to develop and implement policies to ensure sound and orderly exploration of OCS resources, as well as to minimize undesirable impacts upon Virginia, should OCS development occur.

Specifically, the Resolution declares:

"WHEREAS, the environmental, energy, cultural and economic impact upon Vir-

ginia of possible offshore drilling for oil and related activities must be assessed before exploration and development takes place on the Outer Continental Shelf, hereinafter referred to as O.C.S., adjacent to Virginia's coast; and

WHEREAS, these assessments involve policy decisions that the executive and legislative branches of State government must make before the start of any exploration of Virginia's O.C.S.; and

WHEREAS, these policy decisions must be made with the benefit of public opinion and in light of the experiences of other states and in light of possible effects on commercial fishing, the tourist industry, the need for new industry in Virginia, the energy crisis and other matters; and

WHEREAS, the Commonwealth is participating in the Coastal Zone Management Program to develop a planning and management program for the coastal zone of the State; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That there is hereby created the Virginia Coastal Study Commission. The Commission shall study the offshore, interface and onshore effects of possible exploration and development of the O.C.S. adjacent to Virginia's coast. The Commission shall make recommendations on the alternatives available to the State with information on the probable economic, cultural and environmental cost of such exploration and development.

The Commission shall also take into consideration the probable impact O.C.S. exploration will have on local government and include recommendations on what the State might do to assist these localities."

The total number of members and interests to be represented in the Coastal

Study Commission is prescribed by the Resolution. The current members and the interests they represent are: Herbert H. Bateman (Senator - Newport News); A. G. Clark, Jr. (industry - Yorktown); David S. Favre (environmental - Newport News); Joseph V. Gartlan, Jr. (Senator - Alexandria - Commission Chairman); Mrs. Evelyn M. Haley (Delegate - Norfolk); Ivan D. Mapp (local government - Virginia Beach); Glenn B. McClanan (Delegate - Virginia Beach - Commission Vice Chairman); George N. McMath (Delegate - Accomack); Calvin G. Sanford (Delegate - Hague); Alson H. Smith, Jr. (Delegate - Winchester), and Harry E. Tull, Jr. (local government - Accomack).



The U.S. Department of Commerce has adopted this symbol to be used during the Bicentennial to commemorate America's fishing industry. The symbol was developed by the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service to be used by the public and by the fishing industry to make signs, posters, recipe booklets, place mats, window decals, bumper stickers and other appropriate items. Copies of the logo, which are suitable for reproduction, may be obtained from the Director, National Marine Fisheries Service, NOAA, Washington DC 20235.

The Commission is also required by its Resolution to adhere to a demanding time schedule. By December 1, 1975, they are to present an interim report to the Governor and General Assembly. Since the final report with recommendations is to be delivered no later than December 1, 1976, the Commission is requesting staff support from state, regional and local governing bodies and agencies to assist it in meeting its deadlines. Virginia's Coastal Zone Management program and the Coastal Study Commission will be closely coordinated.

To date, significant progress has been made. Both the Coastal Study Commission and its supporting staff have had organizational meetings and working sessions. Study elements and time frames have been outlined and data collection and analysis have been initiated. On July 10 the Commission toured the Amoco Refinery in Yorktown, Virginia and discussed OCS leasing procedures, oil transportation methods, and community-refinery relationships (in terms of water demands, air and water quality, siting and socioeconomic factors). Commission members then toured the Virginia Institute of Marine Science, the Commonwealth's official advisor on marine science and engineering. A full working session is scheduled for early September.

The creation of the Coastal Study Commission has come at a critical time. OCS oil and gas discovery and development would require Virginia to make numerous multi-faceted policy decisions that could alter the social, economic and environmental fabric of entire regions within the Commonwealth, as well as modify the nature of the state's employment and industrial base. Virginia has chosen to develop a sound OCS position now, rather than to be placed in a completely reactive posture when and if OCS oil and gas is discovered in recoverable quantities.

For further information concerning the Coastal Study Commission, contact Jonathan Murdoch-Kitt, Division of Legislative Services, P.O. Box 3-AG, Richmond, Virginia 23208, (804) 770-3591.

NOAA Regulates Atlantic Bluefin Tuna Catch

Regulations limiting the catch of Atlantic bluefin tuna have been established by the Commerce Department's National Oceanic and Atmospheric Administration (NOAA) to help conserve stocks of the species.

The regulations, published in the Federal Register on August 13, permit the Director of the National Marine Fisheries Service (NMFS) to establish fishing seasons, quotas, reporting requirements, enforcement procedures, and penalties relating to the catch of the bluefin tuna.

Publication of the regulations followed signing of the Atlantic Tunas Convention Act of 1975 in July by President Ford, and, in effect, implements recommendations adopted by the International Commission for Conservation of Atlantic Tunas.

Member countries of the Commission are Brazil, Canada, Cuba, France, Ghana, Ivory Coast, Japan, Korea, Morocco, Portugal, Senegal, South Africa, Spain, and the United States.

The Commission is responsible for the study of the populations of tuna and tuna-like fishes in the Atlantic Ocean, and recommends proposals for joint action by member governments to maintain fish stocks at levels permitting maximum sustainable catch.

The principal provisions of the new regulations:

- Permit the Director of NMFS to establish open and closed seasons for Atlantic bluefin tuna weighing between 14 and 115 pounds or more than 300 pounds.
- Permit anglers a daily bag limit of four Atlantic bluefin tuna weighing between 14 and 115 pounds; one of these four may weigh less than 14 pounds and one may weigh between 115 and 300 pounds.
- Establish purse seine quotas of 1,100 short tons of fish weighing between 14 and 115 pounds and 200 short tons of fish weighing more than 300 pounds.
- Establish a quota for other than purse seine fishermen of 2,250 fish weighing more than 300 pounds. Of these 2,250 no more than 200 may be taken south of a line extending from the entrance to Chatham Harbor, Mass., east into the Atlantic Ocean.
- Permit purse seine vessels fishing for Atlantic bluefin tuna weighing between 14 and 155 pounds to take incidentally, on any one trip, Atlantic bluefin tuna outside of these weight limits if the incidental catch does not exceed 15 percent of the number of fish, or four percent of the total weight of the fish caught which are within the 14 to 115 pound range.
- Limit the catch of Atlantic bluefin tuna incidentally taken while fishing for other species to two percent of the total weight of the catch on any one trip or, in the case of traps, to a 30-day period.

There will be no open season for purse seiners this year since the 1,100 short tons of fish weighing 14 to 115 pounds allotted to purse seiners have already been taken.

Prior to the enactment of the Atlantic Tunas Convention Act of 1975, the NMFS had proposed to declare the Atlantic bluefin tuna a threatened species (*Marine Resource Information Bulletin*, Vol. VII, No. 3). With the passage of the Act, this action is no longer required and the Director will take steps to stop all actions to list the Atlantic bluefin tuna as a threatened species at this time.

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is less than 100 per year, widespread publicity has continued to make sharks a concern to most of the world.

Scientists at the Virginia Institute of Marine Science are attempting to document the seasonal trends in abundance and species composition of the shark fauna in the lower Chesapeake Bay and adjacent marine waters. In addition, they are studying reproduction, food habits and growth rates of some of the more abundant species.

The following books should answer most of your questions:

- Budker, P. 1971. The life of sharks. Columbia University Press, New York. 222 p.
- Coppleson, V.M. 1962. Shark attack. Angus and Robertson, Sydney. 269 p.
- Gilbert, Perry W. (ed.) 1963. Sharks and survival. D.C. Heath and Co., Boston. 578 p. (See this book for a record of shark attacks around the world.)
- Lineaweaver, T.H. and R.H. Backus. 1969. The natural history of sharks. J.B. Lippincott Co., Philadelphia. 256 p.
- McCormick, H.W. 1963. Shadows in the sea. Chilton Books, Philadelphia. 415 p.
- Riccinti, E.R. 1973. Killers of the seas. Walker, New York. 308 p.

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