



# Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201  
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## MEMORANDUM

January 15, 2016

**To: Atlantic Menhaden Management Board**  
**From: Law Enforcement Committee**  
**RE: Maryland and PRFC Conservation Equivalency Proposal**

The Law Enforcement Committee (LEC) of the Atlantic States Marine Fisheries Commission (ASMFC) met via conference call on January 7, 2016 to review and provide comments on a proposed conservation equivalency proposal for harvest of Atlantic menhaden bycatch in Maryland. A similar equivalency proposal for the Potomac River Fisheries Commission was considered subsequent to the conference call. The following members were in attendance:  
*LEC: Capt. Steve Anthony (NC); Deputy Chief Kurt Blanchard (RI); Deputy Chief Jon Cornish (ME); Deputy Director Chisolm Frampton (SC); Asst. Director Larry Furlong (PA); Special Agent-in-Charge Honora Gordon (USFWS); Capt. Jamie Green (VA); Asst. Chief Wayne Hettenbach (USDOJ); Capt. Rob Kersey (MD); Capt. Bob Lynn (GA); Capt. Doug Messeck (DE); Maj. Pat Moran (MA); Director Kyle Overturf (CT); Lt. Colby Schlaht (USCG); Lt. Jason Snellbaker (NJ); Capt. Rama Shuster (FL)*  
*LEC ALTERNATES: Jeff Ray (NOAA OLE); Tom Gadomski (NY)*  
*OTHER ATTENDEES: Col. Jim Kelley (NC); Maj. Dean Nelson (NC); Chief Dean Hoxsie (RI); Todd Mathes (NCDMF); Jason Rock (NCDMF)*  
*STAFF: Mark Robson; Mike Waine; Megan Ware*

The proposal is being submitted pursuant to Amendment 2 of the ASMFC Interstate Fishery Management Plan for Atlantic Menhaden. It would allow up to 12,000 pounds of menhaden bycatch per day to be landed by two permitted individuals aboard a single vessel. This bycatch would be allowed only for pound net gear, and only after the fishery is closed. Both individuals must be present on the vessel and the total number of individuals permitted to participate in the bycatch fishery is limited.

The LEC does not have specific concerns about enforcement issues associated with the proposal. Experience with a similar provision for dual bycatch limits in 2013 in Maryland did not result in issues or problems for enforcement. There were no additional concerns expressed regarding a similar consistency proposal from the Potomac River Fisheries Commission. It was noted that current regulations in Maryland only allow permitted individuals to fish his or her nets. Under this proposal, that regulation would be modified to allow an individual to fish another permittee's nets. The LEC was not able to identify specific enforcement issues with the proposal but expressed a general concern about unforeseen loopholes that could result in more violations of the daily bycatch limit. The LEC would like to revisit the regulations after they have been in place for at least one year to see if any unforeseen problems have arisen and make recommendations for change or improvement as appropriate.

The LEC appreciates the opportunity to review and provide advice concerning these proposals.

## Mike Waine

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**From:** Ellen Sackstein <ellensackstein@live.com>  
**Sent:** Monday, January 25, 2016 1:33 PM  
**To:** Mike Waine  
**Subject:** FW: Menhaden and need for ecosystem management

Please read my email below, addressed to NOAA

Ellen Sackstein  
522 Shore Road Apt 2E  
Long Beach, NY 11561

516-432-8009

917-680-5054

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From: daniel.morris@noaa.gov  
Date: Mon, 25 Jan 2016 12:56:35 -0500  
Subject: RE: Menhaden and need for ecosystem management  
To: ellensackstein@live.com

Ms. Sackstein,

Thank you for the email expressing your concern about menhaden, an important forage species. Management of menhaden comes primarily from the Atlantic States Marine Fisheries Commission ([www.ASMFC.org](http://www.ASMFC.org)), which sets conservation standards and coordinates state fishery management plans.

<http://www.asmfc.org/species/atlantic-menhaden> I don't mean this to seem like a bureaucratic and buck-passing response; I just want to ensure the concerns you've taken the time to express reach the right people. I understand that Michael Waine, [mwaine@asmfc.org](mailto:mwaine@asmfc.org), is the lead staff member.

In this office, we work on management of federal fisheries. I can assure you that school forage fish, such as Atlantic herring and mackerel, are indeed getting special consideration, not only for their own sake, but for their role in the food web, driving production of many species in the northwest Atlantic.

Thank you for your interest in fisheries and healthy marine ecosystems.

Best regards,

Daniel Morris

**Daniel Morris**  
*Deputy Regional Administrator*

Greater Atlantic Region

NOAA Fisheries

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**From:** Ellen Sackstein [mailto:[ellensackstein@live.com](mailto:ellensackstein@live.com)]

**Sent:** Saturday, January 23, 2016 4:46 PM

**To:** [John.Bullard@noaa.gov](mailto:John.Bullard@noaa.gov); [Daniel.Morris@noaa.gov](mailto:Daniel.Morris@noaa.gov)

**Cc:** [tim@littoralsociety.org](mailto:tim@littoralsociety.org)

**Subject:** Menhaden and need for ecosystem management

I recently read an article by H. Bruce Franklin in the American Littoral Society magazine, "Underwater Naturalist" which discussed the importance of menhaden in the food chain. I would like NOAA and other responsible agencies to take steps to protect this species, which is critical to the food chain and helps control algae blooms. From reading the article, I gathered that states can take steps to protect menhaden, but few states do (Texas does). It is incumbent upon the Federal government to address this situation.

Please respond.

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