



Atlantic States Marine Fisheries Commission

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MEMORANDUM

December 3, 2012

To: Atlantic Menhaden Management Board
From: ASMFC Law Enforcement Committee
Subject: Draft Amendment 2

At the fall 2012 meeting of the Law Enforcement Committee (LEC), members reviewed and discussed management options contained in Draft Amendment 2 for Atlantic menhaden. Several key components of the amendment were discussed relative to their enforcement implications. Following is a brief summary of the discussion and the recommendations of the LEC.

Harvest Reporting in the Bait Fishery

Members of the LEC noted that the primary management measure under consideration is establishment of a quota (Total Allowable Catch). While this may be the most expeditious tool available given the nature of the fishery, management and enforcement of a quota is difficult given the problems with current harvest reporting in the bait fishery. This fishery is subject to varying levels of state reporting requirements. Some harvest by gear is not subject to reporting. An unknown but possibly significant amount of harvested fish are being sold or transferred from vessel to vessel (or fisherman to fisherman) and are likely not being reported. A significant amount of menhaden harvested for bait are likely not being reported in some states or areas.

Recommendations:

- 1) Require all menhaden harvested for sale as bait to be reported through licensed dealers.**
- 2) States should implement tough standards for license suspension when there is a failure to report landings.**
- 3) Establish a process whereby commercial fishermen are required to declare intent to harvest menhaden for sale as bait prior to a trip.**
- 4) Ensure that a standardized and timely reporting system is applied to all gears and vessels harvesting menhaden for sale as bait.**

Total Allowable Catch

LEC members did not comment specifically on this provision, except to question whether any other management strategies were considered. Quotas (TACs) are considered a difficult enforcement strategy relative to use of permits, closed seasons or closed areas (*ASMFC Law Enforcement Committee. 2009. Guidelines for Resource Managers on the Enforceability of Fishery Management Measures.*) **Members assert there is likely significant under-reporting of landings in the bait fishery.**



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Bycatch Allowance

Members recognize the intent of a bycatch allowance to minimize waste. However the LEC prefers that no bycatch allowance be implemented for menhaden, as this may encourage targeting of menhaden as legal bycatch during closed periods and may also be used to mask illegal harvest of fish during closed periods.

Recommendation:

- 1) Do not establish a bycatch allowance. But,**
- 2) If a bycatch allowance is implemented, the LEC strongly endorses the use of a poundage based allowance rather than a percentage based allowance.**

TAC Set Aside for Small Scale Fisheries

The LEC is uncertain how to address this without having a clear definition of what constitutes a “traditional small scale fishery”.

Recommendations:

- 1) A definition needs to be very clear and generally applicable across jurisdictions.**
- 2) Harvest for oneself and not for any sale should be the standard of personal use.**
- 3) States may have certain licenses or regulations allowing small scale harvest that would need to be considered. For example, Connecticut has a non-commercial gill net license. New Jersey allows a non-commercial castnet fishery for menhaden. A definition needs to make sense when applied among all the states.**

The LEC greatly appreciated the opportunity to discuss this Amendment with ASMFC staff and to provide input to the Atlantic Menhaden Management Board.