



January 4, 2017

Ms. Megan Ware  
Fishery Management Plan Coordinator  
Atlantic States Marine Fisheries Commission  
1050 North Highland Street, Suite 200A-N  
Arlington, Virginia 22201

Re: Comments on Amendment 3 of the Interstate Fishery Management Plan for Atlantic Menhaden – Seatuck Environmental Association

Dear Ms. Ware:

The Seatuck Environmental Association is a not-for-profit wildlife conservation organization whose mission is the protection of wildlife species on Long Island and the natural communities, habitats, and landscapes upon which they depend. One particular emphasis of Seatuck is the restoration of several species of anadromous river herring, most notably alewives, which spawn in the Island's freshwater streams, through the removal of obstacles that block their path to spawning habitat. We appreciate the opportunity to comment on the above-referenced document and thank you for forwarding the power point presentation that was shown at the Freeport, NY public meeting.

Menhaden comprise one of the more important forage fish found along the Atlantic Coast as the species sustains many other species including humpback whales, dolphins, seals, numerous bird species, ranging from ospreys to gannets, and commercially and recreationally important fish such as Striped Bass and Bluefish. It clearly plays a critically important role in marine and estuarine food webs.

SEATUCK ENVIRONMENTAL ASSOCIATION  
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Before commenting on specific elements proposed in the Plan to manage Menhaden we'd like to offer specific comments on two aspects of menhaden management not presented in the Plan - the mandatory use of bait bags in other ASMFC regulated fisheries that utilize menhaden as bait and the creation of Menhaden spawning sanctuaries.

Mandatory Use of Bait Bags – Menhaden are used as bait in other commercial fisheries regulated by the ASMFC, such as American lobster and Blue Claw crab. Indeed, harvest of menhaden for bait in both commercial and recreational fisheries is a primary and growing component of the Menhaden Fishery. For those commercial fisheries which utilize menhaden as bait such, we urge that ASMFC mandate the use of bait bags, which can ensure a more efficient use of fish by using less menhaden per effort compared to not using bags.

Juvenile Development Sanctuaries – Juvenile Menhaden are known to develop in geographically limited, specific ranges within the overall area inhabited by the species; the Chesapeake Bay is one such area. Allowing for juvenile to develop into adults without the threat of harvest and therefore precluding their ability to contribute to the overall population, would provide benefits to the population at large.

#### COMMENTS ON PLAN ELEMENTS

Ecological Reference Points – The Plan discusses various options for establishing reference points to help manage the Menhaden stock. Seatuck strongly supports Option D - Use existing guidelines for forage fish species until ERPs are developed by the BERP working group, as we believe this will allow for the greatest amount of menhaden to be available to numerous species which utilize or depend upon them, as mentioned above, while also accommodating human demands for the fish.

Quota Allocation – Seatuck has no general comments regarding quota allocation except that it seems equitable to provide a fixed minimum quota to each state with a menhaden fishery.

Allocation Timeframe – we have no comment regarding this issue.

Quota Transfers and Overage Payback – We understand that Menhaden segregate by swimming in large schools of generally uniform size and age. One concern we have is that if a state wanted to transfer a certain poundage of unused quota to another state it could, depending on the states involved, result in many more fish being harvested due to the segregation of age classes mentioned above. If ASMFC believes this concern has validity, we would encourage any quota transfer system to be structured either

geographically (i.e. involving nearby or adjacent states where the same age class of menhaden cohabitate) or some other way to prevent more fish, and potentially significantly more fish, from being harvested.

Quota Rollovers – the Plan contemplates allowing for unused quota allocations to be rolled over into subsequent years. Seatuck opposes this concept as it doesn't seem fair and there is no analog in the recreational fishery. For example, if a recreational fisherman doesn't meet his daily limit for Summer flounder or Striped Bass he cannot take twice the number the next day; the same should hold for commercial fishing. If for whatever reasons commercial fishers do not collectively take their quota in their prescribed time period, these fish should be kept in the ocean for the benefit of other species.

Incidental Catch and Small Fishery Allowance – According to current policy (page 16 of Amendment 3) menhaden captured after a state's quota has been reached do not count toward the quota for that directed fishery but are considered by-catch, totaling from 1-2% of the total landings of fish or approximately 5.7 million pounds. In our view there is no reason to exclude bycatch fish from a state's quota and we, therefore, strongly support the adoption of Option 3.

We will note, as was discussed at the ASMFC informational presentation in Freeport, NY it is illogical to contend that menhaden captured using either beach seines or cast nets can be considered by-catch as these fishing techniques are directed specifically at menhaden. At the very least Amendment 3 should contain a clear explanation as to why fish caught using these techniques should be considered bycatch.

Episodic Events Set Aside Program - We note that one unfortunate episodic event that occurred earlier this year in New York was the death of many millions of menhaden in the locks at the Shinnecock Canal on Long Island, due to an ill-advised closure of the canal locks while a vast school of menhaden was moving through. Entrapped in the locks the school of fish soon depleted oxygen levels, resulting in a large scale die-off. In the recent past there have been similar die-offs of menhaden in the mouth of the Peconic River. Seatuck strongly supports the harvesting and utilization of these fish for the bait industry so they are not wasted and should encourage states/companies/individuals to invest in this activity. One incentive might be to not count fish from these die-offs toward a state's quota or make it some reduced fraction, so, for example, if 500,000 pounds of fish die from such an event it would only count for 250,000 pounds toward the state's quota.

Chesapeake Bay Reduction Fishery Cap – we support the continuation of the cap.

Research Programs and Priorities – as mentioned in the section on Quota Transfers and Overage Payback menhaden are well known to segregate into age classes. Better

understanding the geographic distribution and movement of the age classes would provide the ASMFC with information useful in their management.

It would also be worthwhile to assess how Menhaden spawning areas may change or be affected by global climate change and warming ocean temperatures.

I appreciate the opportunity to provide these comments on behalf of the Seatuck Environmental Association and look forward to reviewing the draft of Amendment 3 once it has been prepared. If you have any questions I would be pleased to chat with you either by e-mail ([jturner@seatuck.org](mailto:jturner@seatuck.org)) or by phone at 516.695.1490.

Sincerely,

John L. Turner  
Conservation Policy advocate  
Seatuck Environmental Association