



# Maryland Saltwater Sportfishermen's Association

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## PRESS RELEASE

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### **Menhaden Muddle Three**

At the center of the menhaden controversy is the Atlantic States Marine Fisheries Commission (ASMFC). It is central to this issue because it is the regulatory authority over menhaden and many other species as well. ASMFC was created by congress in 1942 by what is termed the Atlantic Coastal Fisheries Cooperative Management Act. The act defines the role of ASMFC as follows” The responsibility for managing Atlantic Coast Fisheries rests with the States, which carry out a cooperative program of fishery oversight and management thru the ASMFC. It is the responsibility of the Federal Government to support such cooperative interstate management of fishery resources”. The role of the Feds is to support financially the activities of the commissioners and staff. While the Feds fund the operations they have no oversight responsibility with respect to whether or not the actions of ASMFC are productive. Hence there is no accountability for their performance. This is a poor situation from the perspective of the public who have no where to turn when they are dissatisfied with the management of their resources.

The ASMFC manages many species and the format is the same for all species. Each species has a Management Board. The Board is composed of three commissioners from each of the 15 states plus a representative from National Marine Fisheries Service, US Fish and Wildlife, and from the Potomac River Commission. To assist the Boards There is a professional staff in Washington which serves all the management boards as well as two committees. One is the Technical Committee to advise on technical matters, and the second is the Advisory Panel which is intended to provide input from the various stakeholders. The commissioners from each state are the Director of Fisheries, a state legislator, and an appointee by the Governor of the state.

The Menhaden Board has set forth it's objectives as follows ”to manage the Atlantic Menhaden fishery in a manner that is biologically, economically, socially and ecologically sound, while protecting the resource and those who benefit from it.” They don't seem to have done a very good job of achieving these objectives. There are probably a number of reasons for the poor performance. Some that come to mind quickly are:

1 The ASMFC as an organization is responsible to no one but themselves. As a practical matter if one is not responsible or accountable what incentive is there to actually “manage” which inherently means making decisions and taking action which will be unpopular with some stakeholders.

2 Congress, who set up the organizational structure, failed to build in accountability and either doesn't recognize this flaw or does not feel it necessary to correct it. ASMFC should be a part of one of the major departments such as Commerce. The public needs to have some recourse when it's resources are being mismanaged and no such avenue is currently available.

3 Take a look at the composition of the commissioners. At least 70% are bureaucrats. As such they are generally not proactive and shun risk .In the case of menhaden there is the additional problem of the state of Virginia and Omega Protein. Any action of substance to increase stock size by reducing harvesting will impinge on Omega's operation and perhaps their bottom line. They will vigorously oppose any such move thus putting the Management Board in an uncomfortable position which they would rather avoid.

There could hardly be a situation more conducive to failure than to have a quasi government agency populated by risk adverse managers with no accountability for their performance.

*Charles Hutchinson*