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October 30, 2017

VIA Electronic Mail

Honorable Mark J. Belton, Secretary
Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401-2397
mark.belton@maryland.gov

Re: Commercial Harvest of Atlantic Menhaden – ASMFC Draft Amendment 3 (3A)

Dear Secretary Belton:

Recently there was a meeting held by Maryland DNR with stakeholders who participate in the bait fishery in Maryland for Atlantic menhaden. Discussions at this meeting included the options that were set forth by the ASMFC concerning the State of Maryland's position on draft Amendment 3 governing the commercial harvest of Atlantic menhaden.

As far as the allocation options under consideration, it seems that DNR fisheries staff did not thoroughly discuss all options with the industry. The options discussed by DNR staff - Options C, D and E - were incomplete. Due to the fact that the ASMFC's technical group has found problems with the Lenfest Study being used as a management tool for menhaden, DFA cannot agree with Option D as presented and recommended by DNR staff as the best option. The Menhaden Fisheries Coalition, which represents the coastwide industry and is made up of all the states that participate in the menhaden fishery, including Maryland, supports Options B and F, and the 2012 to 2016 years for reference.

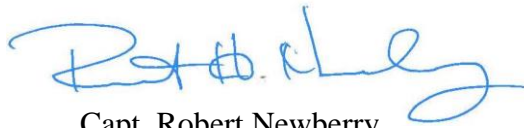
For DNR to posture Maryland as standing alone at this critical time with the ASMFC is an ill-advised gambit that will have negative results on our small bait industry here in the State of Maryland; which in turn will be harmful to local economies and fishing communities. DNR should be advocating to exempt the State's menhaden fishermen from reporting given the fact, as stated in many published documents and reports, that what is caught in Maryland has no measurable effect on the coastwide population of Atlantic menhaden.

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Accordingly, we are requesting Maryland DNR to: (1) support and vote for Option B for establishing the ERP's; (2) support and vote for Option F for the most reasonable allocation of quota; and (3) support and vote for the option of 2012 to 2016 as the reference years to establish the allocation of menhaden.

Thank you for your attention and consideration of our views. Feel free to contact any of us listed below for any questions concerning this matter.

Sincerely,



Capt. Robert Newberry
Chairman

Attachment



Talking Points: Amendment 3 Public Hearing

Background: In 2012 the ASMFC adopted the first coast-wide catch limits for menhaden. Based on an uncertain stock assessment and pressure from anglers and environmentalists, the Commission reduced catches by 20% from 2009-2011 (212,500 mt) catch levels. That quota of 170,000 mt was divided among states based on landings for the same period.

Since then, there has been a full, peer reviewed stock assessment which showed that the menhaden stock has been in excellent shape for decades. Total allowable catch has risen to 200,000 mt, but is still **6% below catch levels we now know were sustainable back in 2012**. Since then, the menhaden population has increased significantly.

Amendment 3: This action has two primary objectives: (1) to set “reference points” – guideposts for setting quotas and determining if menhaden are overfished – that “account for menhaden’s role as forage”; and (2) to reconsider whether and how to reallocate quota among the states. In other words, the Commission will determine how big the pie is going to be and then how to divide that pie. It will also set the quota for next year.

Issue 1: Interim Ecological Reference Points (Industry Supports Option B)

- Option B continues the current management approach until the Commission’s scientific advisors develop an ecological approach specific to the menhaden fishery. It is the most consistent with the best scientific information and advice from the Technical Committee and Biological/Ecological Reference Point (BERP) Working Group.
- Under the status quo, the Commission has taken a precautionary approach. It sets the quota below those associated with our current reference points. Here are the projections of next year’s total allowable catch (TAC) under each of the reference point options:

| | |
|--|-------------------|
| Options A & B (Status quo reference points): | 314,500 mt |
| Option C (75% unfished biomass “rule-of-thumb”): | 40,500 mt |
| <u>Options D & E (Lenfest “hockey stick” rule):</u> | <u>147,200 mt</u> |
| Current TAC (2017): | 200,000 mt |

- The Menhaden Board should choose Option B, which allows setting a 2018 quota that is significantly higher than currently, but still far below the “single species” reference point. The TAC can increase while still leaving plenty of fish in the water to feed predators.

- The other options are based on very different fisheries and use models that do not capture important factors, such as environmental impacts on menhaden populations and size of fish taken by the fishery.
- **These approaches have been found flawed by peer reviewed science.**
- These interim ecological reference points would reduce catch levels, hurting fishing communities while providing no environmental benefits.

Issue 2: Reallocation (Industry Supports Option F)

- The major problem with the fishery is that **total allowable catch is set far too low**. The ASMFC is managing menhaden as if the stock were overfished when it is at historic high levels.
- The current allocation system is fair in that it is based on actual landings in each state, which helps protect historic participants and dependent fishing communities. **The problem is that the artificially low quotas are not allowing states to access the abundant menhaden in there waters as they were able to do during similar periods of high abundance, such as during the 1980s.**
- By contrast, options that give all states – including those that neither have nor want a menhaden fishery – a fixed quota hurts fishermen most dependent on the resource.
- Allocating the menhaden resource without regard to historic participation or needs of states would set a terrible example that could be used in other fisheries where highly dependent states could lose fish by majority vote.
- **Quotas need to be raised to levels consistent with stock status and scientific advice. This would provide more than enough fish for each state with an active fishery.**
- Virginia has agreed to give up a share of its quota once every state is made whole from the cuts suffered under Amendment 2. This is a fair approach consistent with past similar allocation decisions.

Issue 3: Order of Decisions at November Meeting

- When the Commission meets to finalize Amendment 3, it should make decisions about the short- and long-term catch levels **before** determining allocations.
- That is, it should decide the reference point issue and set next year's quota before deciding how those quotas should be allocated.
- This will help ensure a fair and transparent management process.