March 19, 2008

The Honorable Peter M. Holt
Chairman
Texas Parks and Wildlife Commission
4200 Smith School Road
Austin, TX 78744

Re: Proposal to institute total allowable catch for menhaden reduction industry

Dear Commissioner Holt and other members of the Texas Parks and Wildlife Commission,

We thank the Texas Parks and Wildlife Commission for proposing measures to protect Gulf menhaden, *Brevoortia patronus*, from the very real threat of increased fishing pressure as the global aquaculture industry grows, and other Eastern states move to protect menhaden populations in their state waters.

The proposed catch limit on Gulf menhaden fishing in Texas state waters is a step in the right direction, but it is insufficient to deal with the serious problems associated with this fishery. For a catch limit to work, it needs to be based on science. Using a five-year average of recent catch history only locks in the status quo. The status quo for the menhaden fishery is based on decades of fishing with no science based annual catch limits, with catches regularly exceeding 1 billion pounds. In addition, no assessments have been done that take into account the needs of the ecosystem, including the needs of predators and the benefits to water quality that menhaden have based on their key role as a filter feeder. An annual cap also does not deal sufficiently with the issue of bycatch.

We propose that the proposed catch limit for the menhaden reduction industry based on 2002 – 2006 average catch be used as an interim measure to ward off increased fishing effort in Texas state waters. Within the year, Texas Parks and Wildlife should advocate for and get a formal assessment process started through the Gulf States Marine Fisheries Commission for menhaden and subsequently set a catch level that takes into account the needs of the ecosystem.
Along with the catch limit, Texas Parks and Wildlife Department needs to create accountability measures for the menhaden reduction industry. Using real time data collection of catch, fishing should stop as the annual catch limit is reached to ensure that overages do not occur. In addition, if the menhaden industry does not catch their annual quota, no part of that quota should be allowed to carry over into consecutive years. This will discourage quota hording until prices increase for menhaden.

Texas Parks and Wildlife Department also needs to tackle the serious problem of bycatch associated with the menhaden industry. The industry claims that their fishery is very clean with just 1 percent of the catch as bycatch. They hide behind this percentage. It masks that fact that 1 percent of 1 billion is 1 million. It is unacceptable for an industry to catch and kill 1 million pounds of sea life as bycatch with impunity.

We propose that Texas Parks and Wildlife Department require that all menhaden boats fishing in state waters carry industry-funded and government employed and trained observers to quantify the amount and species composition of bycatch. Using this data, Texas will be able to mandate improvements in bycatch reduction devices and close areas to fishing that have excessive bycatch. This data must be available in real time to fishery managers and the public.

By taking these steps, Texas Parks and Wildlife Department can ensure that the menhaden reduction industry is able to operate in Texas waters as a responsible corporate citizen, utilizing the state’s marine resources without jeopardizing recreational fishing, other commercial fisheries, or the Gulf marine environment.

Sincerely,

David Bulloch                      Luke Metzger
Director                          Director
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Mike Nussman                      Captain Scott McCune
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