

# Pew imprecise on pogies



By Ben Landry

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The Pew Charitable Trusts' Peter Baker recently declared the new catch limits on Atlantic menhaden a "success" based on the results of the last year's menhaden harvest ("Atlantic menhaden catch cap a success," Pew Charitable Trusts, May 15, 2014). But such a declaration depends on a very limited definition of "success." In the year since these cuts went into effect, issues of transparency, equity and disparities in enforcement persist.

Passed at the end of 2012, the new catch limits on menhaden cut the total coastwide Atlantic harvest by 20 percent of the average menhaden landings from 2009-11, with each state allocated a percentage of the overall quota based on their landings during that period. Mr. Baker writes, "All 15 Atlantic coast states have successfully implemented the catch cap" that was agreed upon in 2012. While 2013's overall menhaden catch was under the set total allowable catch, this masks the fact that several states made little or no attempt to comply with the new Atlantic States Marine Fisheries Commission's regulations.

New York state's categorical refusal to enforce its allotted quota starkly contradicts Baker's claim that every state has successfully implemented its cap. For the 2013 fishing year, New York simply refused to enforce its catch limit, claiming that its new quota — based on the cuts for which it voted in 2012 — was rendered using flawed landings data. Since then, little effort seems to have been made to curtail the state's menhaden fishery, even as it vastly exceeded the new limits. This resulted in New York fishermen catching more than four times the number of menhaden allowed under their quota.

Menhaden management in Maryland offers another example of concerning disparities in regulatory enforcement.

Since voting in favor of coastwide and state-specific harvest cuts, Maryland also adopted policies that ultimately resulted in no real reductions in menhaden landings for its fishermen. In this case, the state manipulated a regulatory loophole allowing fishermen to continue catching menhaden as bycatch once the state exceeded its quota. Maryland's pound-net fishermen were allowed to land up to 6,000 pounds of menhaden per day as bycatch — and 12,000 pounds if two appropriately permitted fishermen are on the same boat — leading the state to exceed its quota by more than 1 million pounds. With more than half of Maryland's 2013

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menhaden landings classified as bycatch, regulatory officials seem to have been ineffective in controlling bycatch levels during the fishing season.

Baker waves away these quota overages by asserting that "the few states that went over their allotments were able to use a flexible trading system to comply with the rules." While states are allowed to cover their overages by acquiring unused quota from other states, the amount of overages seen this year is not likely to be sustainable into the future. The large overages by states like New York and Maryland were only made possible by states like North Carolina and Connecticut that caught nowhere near their allocated quota. But should those states with lower landings increase

their harvests in the future, other states exceeding their quota will be without a regulatory mechanism to account for their larger-than-allocated landings.

Also inaccurate are Baker's assertions that the new harvest cuts have had no negative economic impact and that the reduction fishery based in Virginia, of which Omega Protein is the only remaining member, expanded the size of its fleet. In fact, the fishery was forced to reduce the size of its fleet, and jobs were lost.

Baker claims that Amendment 2 had no economic effects by highlighting the success of Omega Protein in 2013. What he declines to point out is that 65 fewer employees work at our Reedville, Va., facility than in 2010, as the company prepared for the possibility of the harvest cuts championed by Pew and others. We laid off 35 employees before the 2013 season as a direct result of the harvest quota that Baker and his colleagues celebrated.

The new menhaden vessels that Baker cites as proof of expansion and vitality in the reduction industry were actually part of a long-planned modernization of the reduction fleet. Three old vessels were decommissioned and replaced with two newer, safer and more environmentally friendly fishing vessels. Their arrival had nothing to do with harvest limits or what the reduction fleet was able to catch in 2013.

Viewed from this perspective, the 2013 Atlantic menhaden fishing season is unfortunately not one that can be clearly labeled a "success." Along the coast, a number of troubling scenarios highlight inequities in harvest cut enforcement that merit serious consideration by fisheries managers. To ignore these problems threatens not only the species' sustainable management, but also the legitimacy of those tasked with upholding these controversial harvest cuts.

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