

April 26, 2019
Marine Stewardship Council
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Re: Response to Public Comment Draft Report (PCDR) on Gulf Menhaden Certification

The Theodore Roosevelt Conservation Partnership (TRCP), the American Sportfishing Association (ASA) and the Coastal Conservation Association (CCA) strongly object to SAI Global's recommendation to certify the Gulf menhaden purse seine fishery. Certification of this controversial reduction fishery is at odds with Marine Stewardship Council's own purpose and could adversely impact management of Gulf menhaden and several other fisheries.

As leaders in conservation, TRCP, ASA, and CCA share MSC's stated goal of promoting effective fisheries management. However, unlike other fisheries that carry the MSC label, certification of the menhaden reduction fishery is unwarranted. Our groups have numerous concerns with the reviewer's conclusions and recommendations, as well as MSC's underlying certification criteria and conditions. This letter focuses on the most problematic aspects of the PCDR.

The comments below follow the report conclusions sequentially:

Section 1.2 Main Strengths and Weaknesses of the Fishery

Contrary to the findings of the assessors, nearly all of the "strengths" should be characterized as "weaknesses," and it is inexplicable that items such as "there is a comprehensive FMP in place" and "there is a robust governance and policy framework in place" are included as strengths. See additional comments below.

- *Extensive research surveys and monitoring of the GoM ecosystem and the Gulf menhaden stock.*
 - While this may be true for certain aspects of the GoM ecosystem, there is scant surveying and monitoring of the relationship of menhaden to the ecosystem.
 - No substantial bycatch monitoring is in place.
 - To the extent bycatch is observed or reported, that data is not made available to the public
- *Menhaden-specific conservation and management measures are in place.*
 - While states like Florida and Texas have implemented their own conservation and management measures, in the states where the fishery is conducted, no catch limits are in place.
 - No accountability measures or management structure is in place to enforce catch limits, even if they were put in place.
- *There is a comprehensive FMP in place.*

- Again, the term “comprehensive FMP” is dubious given the lack of formal controls on the fishery.
- Management is decentralized and left loosely to the states to implement and enforce.
- *There is a robust governance and policy framework.*
 - Even if regional catch limits were in place, no coastwide authority exists to enforce management of this fishery, so it cannot be said that there is a “robust governance and policy framework.”
- *Robust consultation and decision-making processes are in place.*
 - Perhaps a robust consultation process is in place for the reduction industry but not for other stakeholders, such as recreational fishermen or conservation groups.
 - No formal stakeholder engagement process is in place and the meetings that do occur are not well publicized.
 - Decision-making is a loose term for a fishery with no comprehensive catch limits and no regional management authority.
- *There is a system for monitoring and evaluating the performance of the fishery-specific management system.*
 - A system may be in place, but it is neither comprehensive nor transparent, with substantial reliance on fishery dependent data.
 - No monitoring of bycatch occurs.
 - Only limited bycatch studies are available and most are decades old.
 - No bycatch reporting is required, no observer coverage is required, no information on disposition of the bycatch is available, and no public access to this data is allowed due to confidentiality issues.

1.4 Certification recommendation

TRCP, ASA, and CCA strongly disagree with the recommendation to certify the U.S Gulf of Mexico Menhaden Purse Seine fishery. As a key low trophic level species, the management system is far too weak to justify such a conclusion.

1.5 Conditions

Given that MSC designated “key low trophic level species” are required to have an ecosystem-based management system in place, it is premature to certify this fishery with conditions. The current management system fails to incorporate basic management measures that would be required under any federally managed single species, let alone more extensive ecological requirements of management for such an important forage species as Gulf menhaden.

1.6 Recommendations

Recommendation 1 suggests the need to do more study of bycatch issues. This should, in fact, be a requirement, not a recommendation. Importantly, there should also be ongoing and routine bycatch monitoring and reporting, with observers and video monitoring. Given the massive volume of catch in the reduction fishery, bycatch measures should be required, not voluntary. Even a small percentage of bycatch equates to a significant amount of fish. For example, 2% bycatch, in a fishery that regularly harvests more than a billion pounds, is more than 20M pounds of bycatch.

Regarding recommendations 2 and 4 which highlight the need for more transparency in the fishery management system and more disclosure of data, it should be incumbent upon the management body and the industry to provide this information. This is, after all, the largest fishery in the continental United States, conducted by only two companies, on an important public natural resource. The fact that reviewers were “somewhat constrained” by their ability to access information is a red flag and should be grounds for disqualification.

3.1.3 Total Allowable Catch

As discussed previously the PCDR acknowledges that no “Total Allowable Catch” is in place for this fishery in the states with active reduction fisheries, namely Louisiana and Mississippi. This is an unacceptable management framework for modern single species management, let alone for the nation’s second largest fishery, one which is supposed to be managed on an ecosystem basis.

Performance Indicator Scores

1.1.1 Stock status

We believe the assessors made a mistake assigning an SG80 score to performance indicators 1.1.1a and 1.1.1b.

The criteria to score at least an SG80 is clearly established on page 130 of the PCDR and it states:

“At least an 80 score is justified if F is likely to have been at 0.5FMSY or 0.5M for at least two generation times (or for at least four years, if greater).” Note: the four-year criteria was used because it is greater than two generation times for gulf menhaden.

From the latest stock assessment (SEDAR 2018), F was estimated at 0.53, 0.93, 0.8 and 0.63 for 2014, 2015, 2016 and 2017 respectively. Also, from the most recent assessment, 0.5M = 0.66. Therefore, it is clear that F has not been at 0.66 for at least 4 years because F2015 = 0.93 and F2016 = 0.8. Additionally, the PCDR indicates that Faverage (2014-2017) = 0.72 which is also above 0.66.

Therefore, we objectively disagree that an SG80 score is justified, and recommend the assessors assign a score that clearly meets the scoring criteria established in the PCDR.

PI 1.2.1 and 1.2.2 Harvest strategy and Harvest control rules and tools

While the reviewers acknowledge that the harvest strategy and the harvest control rules and tools do not meet the scoring threshold of 80, these scores should be even lower than 70 and 75, respectively. That’s because the current management system has no accountability whatsoever. The reviewers highlight the following “accountability” measures:

If two consecutive fishing years produce harvests exceeding the reference target level, a stock assessment update will be requested, and/or;

If harvest surpasses the reference limit in a single year, a stock assessment update will be requested.

“Requesting a stock assessment update” has nothing to do with accountability and therefore the fishery should fail on this basis. In fact, the current FMP has little that could be defined as a “harvest strategy.” Harvest is limited only by industry capacity, with no mechanisms in place to control harvest or ratchet down harvest before the season, during the season, or after the season.

As noted by the reviewers, this weak accountability mechanism (request a stock assessment update) is in place only for a single species management system, not one that accounts for the ecological role of menhaden. So, not only is “accountability” weak, the reference points do not comply with the requirements of certification for a key low trophic level species.

PI 1.2.3 Information and monitoring

As noted, observers are not involved in this fishery, and they should be, to help monitor catch, discards and bycatch. Further, a score of 80 is not justified because it cannot be said that the it is “regularly monitored at a level of accuracy and coverage consistent with the harvest control rule.” That’s because, as stated above, there is no effective harvest control rule.

PI 2.2.2 and 2.3.3 Secondary Species Management strategy and Information

Given substantial and justified public concerns about bycatch of important recreational species, including red drum, spotted sea trout, tarpon, and many other species, including sharks, it is unacceptable that there is no monitoring of the reduction fishery at sea. What few bycatch studies have been conducted are dated. Further, the emphasis in the PCDR is on the “small percentage” of bycatch. However, as highlighted previously a small percentage of the largest fishery in the continental United States is likely significant, and problematic. Until bycatch is effectively monitored with third party observers and data made publicly accessible, this fishery should not be certified.

PI 2.5.2 and 2.5.3 Ecosystem: Management and Information

As stated in previous comments, ecosystem considerations are not included in the fishery management plan and little to no effort has been exerted by the industry to incorporate ecological considerations into management, including especially, bycatch monitoring.

PI 3.1.2 and 3.1.3 Governance and Policy: Consultation, Roles and Responsibilities, and Long term Objectives

Much of the “management” of Gulf menhaden is dependent on industry interactions and does not include stakeholders or outside observers. Long term objectives of the FMP are unclear or non-existent, with no accountability measures in place, so that, in effect, the fishery is unmanaged. This is an unacceptable framework for fisheries management, let alone one that should be managed to account for the needs of predators like redfish, trout, sharks, mackerel and other species.

Conclusion:

These comments represent some of the key concerns of sportsmen with SAI Global’s recommendation to certify the Gulf menhaden fishery. However, other concerns may arise as this process unfolds. TRCP, ASA, and CCA are currently in the process of formally objecting to the MSC Atlantic menhaden certification, a time consuming and parallel process. Given the importance of both Atlantic and Gulf menhaden to recreational fishermen, these two processes should not be so contemporaneous, allowing for better opportunity for public comment.

It should be noted as well, that the formal objection to the Atlantic menhaden certification is well founded, considering the substantial ecological impacts of the reduction fishery on East Coast ecosystem. At the same time, relative to the Gulf fishery, the Atlantic menhaden management appears

to be years ahead of the Gulf menhaden management. In fact, a process is underway to establish ecological reference points for Atlantic menhaden while the Gulf fishery has failed to even establish coast wide catch limit. It is disappointing, to say the least, that the MSC would even consider certification for Gulf menhaden. Although “conditions” are offered for the six performance indicators that do not meet the threshold score of 80, these conditions are vague and unenforceable. It is a flawed system that would allow conditional approval of a key low trophic level species under a management plan that fails to meet even basic single species management standards.

In summary, and for the reasons outlined above, TRCP, ASA, and CCA strongly oppose the certification of Omega’s Gulf menhaden reduction fishery by the MSC at this time.

We welcome the opportunity to discuss this matter with you further at your convenience.

Sincerely,

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The Theodore Roosevelt Conservation Partnership (TRCP) is the country’s largest coalition of sportsmen and conservation groups, outdoor businesses, and individuals working to advance proactive conservation solutions in the federal policy arena. Founded in 2002, our mission is to guarantee all American quality places to hunt and fish by uniting and amplifying the voice of hunters and anglers in support of policies, programs, and funding that conserve fish and wildlife and public access. Drawing on 58 organizational partners and 89,000 individual members, the TRCP builds non-partisan coalitions to advocate for conservation in five program areas: Marine Fisheries, Water Resources, Public Lands, Agricultural and Private Lands, and Conservation Funding. Fishery conservation partners include the American Sportfishing Association, Coastal Conservation Association, Bonefish and Tarpon Trust, Billfish Foundation, Snook and Gamefish Foundation, Trout Unlimited and the National Wildlife Federation.

Coastal Conservation Association (CCA) is the largest marine resource conservation group of its kind in the nation, with almost 130,000 members in 19 state chapters. CCA has been active in state, national and international fisheries management issues since 1977. The organization is committed to ensuring the health and conservation of our marine resources, and anglers’ access to them.

The American Sportfishing Association (ASA) is the nation's recreational fishing trade association and represents sportfishing manufacturers, retailers, wholesalers, and angler advocacy groups, as well as the interests of America's 49 million recreational anglers. ASA also safeguards and promotes the social, economic, and conservation values of sportfishing in America, which result in a \$125 billion per year impact on the nation's economy.