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To Whom It May Concern:

This letter is to advocate leaving the current menhaden cap in place until such time as sufficient reliable data exist from offshore to document menhaden stock levels and until ASMFC can certify that data obtained from the coastal “nurseries” reflect fishing pressure and not the severely degraded coastal ecosystem. In the absence of these two requirements, no scientific basis exists to change the status quo. ASMFC’s “2012 Atlantic Menhaden Stock Assessment Update” is very clear:

1) **“Overall, the retrospective pattern and a number of other issues cast considerable doubt on the accuracy of the estimates from this [the 2010] update stock assessment.”** (p. iii) and **“...several important criticisms of the 2010 benchmark stock assessment continue to apply to this update assessment ..... In addition, two model performance issues mentioned during the 2010 benchmark assessment have subsequently worsened. .... These unaddressed criticisms and issues make interpreting the results of this stock assessment update challenging.”** (p. 25).

2) There are few reliable data from offshore. The **“Lack of spatial modeling to address changes in the fishery over time..... is the ..... “.... most important criticism with respect to management advice.”** It is advocated that the missing data be obtained and that the **“Long term [Highest Priority] ....is to ..... “Develop a coastwide fishery independent index of adult abundance at age to replace or augment the existing Potomac River pound net index in the model.”** (p. 28). When a single low altitude photograph (attached) can capture 10% of Omega Protein’s annual harvest, there can be absolutely no question that there exist a lot more fish than ASMFC currently estimates.

3) The data collected from coastal settings are biased by ecological degradation of those environments. Using data like the “Potomac River pound net index” to manage a fish that breeds in the ocean and moves into the Bay, as habitat permits, is unacceptable when the data can equally well be explained because of poor water quality, virtually no submerged aquatic vegetation (SAV) and altered plankton populations in the Bay nursery.

It is my contention that no robust scientific data exist to support changes in current regulations. Figure 6 and Table 5 in the “2012 Update” show clearly that reduction landings have been constant for the last decade (164,000 t), and were stable even before the “cap” was imposed in 2006. Reduction landings for the last decade are only slightly less than half the landings between 1977 and 1986 (352,000 t). It would be nice if menhaden stocks were larger, just as it would be nice if sturgeon returned to the Bay or oyster reefs once again became navigational hazards, or, and more importantly, if beds of SAV expanded. We probably can't do anything in our lifetimes about sturgeon or oyster reefs, but we certainly can do something about SAV - reduce nitrogen and phosphorus pollution! When rainfall is low, SAV beds expand that year, only to die off again when increased runoff and

groundwater discharge deliver nutrients and cause increased turbidity. The coastal ecosystem can only improve when the root cause of the degradation, now due mostly to inefficient agricultural fertilization, is meaningfully addressed. It is uncontested that nutrient overload leads to phytoplankton proliferation and changes in the plankton population (e. g. more cyanobacteria), with consequences such as turbidity increase, enlarged dead zones, more diseases and more red tides. Reducing the harvest of menhaden will have a negligible effect on improving water quality or resurrecting the historical food chain, unlike the consequences of reducing pollution and allowing SAV beds to expand.

ASMFC's deliberative process must be based on the best available science and science only. Claims that the reason for declining catches of predatory gamefish like striped bass, bluefish and Spanish Mackerel (which certainly is my experience fishing Chesapeake Bay in the last decade) is because of fewer menhaden as bait are not scientifically based. Gamefish prey on many other organisms, especially schooling fish like anchovy and silversides. ASMFC cannot refute the hypothesis that the primary reason for few Spanish Mackerel and small bluefish in coastal settings, including Chesapeake Bay, is because of degraded water quality as it affects the food chain, rather than because of fishing pressure on menhaden. Croaker and spot catches have declined noticeably since I moved to Virginia's Northern Neck, and since they are bottom-feeders, my observation obviously has nothing to do with menhaden, but probably everything to do with dead zones expanding into shallower water. A local pound-netter told me this year, when I bought menhaden for crab bait (crabs were not abundant this year), that he couldn't remember a year when he caught fewer "food fish" in the nets. Spotter plane pilots have testified to ASMFC that they see schools of menhaden entering the Bay and then turning around and heading offshore. What possible explanation for these observations exists except degraded water (and food) quality in Chesapeake Bay?

Failure by ASMFC to retain the status quo until such time as robust, consensual scientific data dictate otherwise, will certify the political rather than scientific nature of this organization.

Yours sincerely,

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cc: Congressman Rob Wittman, Del. Margaret Ransone