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Southeast Data, Assessment, and Review

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Regulatory History for the Gulf Menhaden Stock in the U.S. Gulf of Mexico

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SEDAR is a Cooperative Initiative of:
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Regulatory History of the Fishery

The gulf menhaden reduction fishery is one of the largest fisheries by volume in the United States, and has been successfully managed under a regional Fishery Management Plan since 1978. The fishery continues to be classified by the National Marine Fisheries Service as ‘not overfished’ with ‘no overfishing occurring’, and a population that is sustainable based on the most recent stock assessment (Vaughan et al. 2007). The partnerships, which have been developed between NMFS Beaufort Laboratory, the state marine agencies, the menhaden industry, and the Gulf States Marine Fisheries Commission, the gulf menhaden fishery is one of the most detailed and data-rich fisheries currently operating in the Gulf of Mexico.

Commercial menhaden landings for the bait and reduction fisheries tend to be limited to the northern Gulf as the range of gulf menhaden is predominantly east and west of the Mississippi River with the majority of commercial fishing activities occurring in Louisiana (91% based on the last four-year average) and smaller contributions from Mississippi 5.6%, Texas 2.5%, and Alabama <1%.

The NMFS port samplers have had access to the catch at each of the plants for biostatistical and stock assessment data since 1964, and the menhaden companies report daily vessel unloads to the NMFS on a monthly basis throughout the fishing season. Purse vessel captains provide a daily log of each vessel’s activities including catch estimates, location, duration, and weather and water conditions for each and every set. These logs, or Captain’s Daily Fishing Reports (CDFRs), are verified against each plant’s pump-out records and provided to NMFS on a regular basis for compilation. The NMFS continues to publish monthly menhaden landings by coast in the form of a status memo, which is available on the NMFS Fisheries Market News website (http://www.st.nmfs.noaa.gov/st1/market_news/doc77.txt).

Fishing season

The five Gulf states have common regulations for season duration, which traditionally ran 26 weeks from April through mid-October. In 1993, the fishing season was extended two additional weeks to approximately 28 weeks creating the current season that starts on the third Monday in April and runs through November 1 each year. In 1989, Louisiana established a special bait season for menhaden which extends the season until December 1 or until the LDWF determines that the bait quota of 3,000 metric tons has been met. Any menhaden taken during the bait season shall be sold only for use as bait and requires a special permit issued by the LDWF.

Florida is the only state with a regulation restricting fishing to only weekdays during the 28-week season; although it is generally accepted and practiced that the industry will not make net sets on weekends or on holidays Gulf-wide.

Quotas

As the gulf menhaden fishery generally operates in state waters, the respective state marine agencies are responsible for regulating and monitoring the gulf menhaden fishing activities in their waters and provide management for the fishery directly.

In the state waters off Escambia and Santa Rosa counties along the Florida Panhandle (inside the COLREGS, the line that divides inland waterways and coastal waterways), there is a quota of 1.0 million pounds for commercial harvest of menhaden by all gears combined. The quota applies to closing the inside waters of Escambia and Santa Rosa counties only, not any offshore fishery. Purse seines are not allowed for harvesting menhaden anywhere else in the state within the COLREGS other than off these two counties. The purse seines within the COLREGS must be less than 500 sq foot. The closing date for the inside waters is based upon

“[t]he total commercial harvest of menhaden in Escambia and Santa Rosa Counties during a particular commercial fishing season shall consist of those menhaden commercially harvested by all forms of gear from all waters of these counties and waters of the federal Exclusive Economic Zone (EEZ) contiguous to such waters, based on projections from official statistics collected and maintained by the Florida Department of Environmental Protection pursuant to Florida’s Marine Fisheries Information System.”

Purse-seine gear used by the reduction fishery precludes reduction vessels from operating in Florida state waters, however they would be free to operate offshore of the COLREGS. The Florida quota is designed to control landings by a gulf menhaden bait fishery inside the COLREGS in those two counties of the Panhandle.

Louisiana’s extended bait season is managed for a 3,000 mt quota. The bait season is intended solely for harvest of menhaden for bait after the reduction fishing season ends on November 1. The extended bait season runs from November to December 1 or until the 3,000 mt quota is reached. Additionally, an early bait season begins on April 1 (about three weeks before the reduction season opens).

Currently, Texas is the only state with a quota or ‘cap’ on the removals of gulf menhaden for reduction purposes from state waters. In March 2008, the Texas Parks and Wildlife Commission approved changes to the statewide hunting and fishing regulations that included establishing a Total Allowable Catch (TAC) on menhaden catches in the Texas Territorial Sea (TTS), the waters off Texas out to nine nautical miles. The TAC was set at 31.5 million pounds per year, which was set at the approximate five-year average of Texas catches during 2002-2006 (with penalties for overages). This regulation was heralded as precautionary management, capping removals at recent levels with an eye toward minimizing bycatch.

Fishing Area Closures

Each state has its own designation of closed or restricted areas to purse-seine fishing for gulf menhaden. In 1995, Florida banned all gill/entangling nets, and any nets greater than 500 square feet in state waters; thus, purse-seine reduction vessels were virtually excluded from state waters. In the decade prior to the Florida Net Ban, the purse-seine fishery for reduction rarely operated in Florida waters. Minor removals were made along the western Panhandle by vessels from the port of Moss Point, Mississippi.

In Alabama, reduction fishing is restricted to the western Mississippi Sound and the Gulf of Mexico west of roughly Point aux Pines, Bayou La Batre, and Isle aux Herbes (Coffee Island).

There is also no purse fishing allowed within a radius of one mile from the western point of Dauphin Island.

Mississippi prohibits purse-seine fishing within one mile of the shoreline of Hancock and Harrison Counties and the barrier islands. In Jackson County, there are no restrictions relative to the shoreline other than around the barrier islands. Commercial fishing (including purse seining for menhaden) is prohibited north of the CSX bridge in the Pascagoula River system.

In Louisiana, the harvest of menhaden is restricted to waters seaward of the inside-outside line described in R.S. 56:495, including waters in the federal EEZ and in Chandeleur and Breton Sounds. All other inside waters and passes are permanently closed to menhaden fishing. Waters on the south side of Grand Isle from Caminada Pass to Barataria Pass in Jefferson Parish, from the southeast side of Caminada Bridge to the northwest side of Barataria Pass at Fort Livingston, extending from the beach side of Grand Isle to 500 ft beyond the shoreline into the Gulf of Mexico, are designated closed zones. These waters are closed to the taking of fish with saltwater netting, trawls, and seines from May 1 to September 15, inclusive.

In Texas, menhaden may not be fished in any bay, river, or pass within 0.5 mile from shore in Gulf waters or within one mile of any jetty or pass. The menhaden industry has had a “gentleman’s” agreement with TPWD not to fish within 1 mile of Gulf beaches, and has agreed to leave Texas waters if significant quantities of game fish are documented by TPWD to be in the vicinity.

Bycatch

Individual states regulate incidental bycatch in the menhaden fisheries.

There are no bycatch restrictions on the purse net fishery in Florida waters.

In Alabama, menhaden purse-seine boats may not possess more than 5% by number of species (excluding game fish) other than menhaden, herrings, and anchovies.

In Mississippi, it is unlawful for any boat or vessel carrying or using a purse seine to have any quantity of red drum on board in Mississippi territorial waters. It is unlawful for any person, firm, or corporation using a purse seine or having a purse seine aboard a boat or vessel within Mississippi territorial waters to catch in excess of 5% by weight in any single set of the net or to possess in excess of 10% by weight of the total catch of any of the following species: spotted seatrout, bluefish, Spanish mackerel, king mackerel, dolphin, pompano, cobia, or jack crevalle.

In Louisiana waters, anyone legally taking menhaden shall not have in their possession more than 5% by weight, of any species of fish other than menhaden and herring-like species.

In Texas, purse seines used in taking menhaden may not be used to harvest any other edible products for sale, barter, or exchange. Purse-seine catches may not contain more than 5% by volume of other edible products.