



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: Atlantic Menhaden Management Board
FROM: Atlantic Menhaden Advisory Panel
DATE: October 13, 2020
SUBJECT: Recommendations on 2021-2022 Fishery Specifications

The Advisory Panel (AP) met virtually at 5:00 PM on October 8, 2020 to (1) review updated fecundity (FEC) target and threshold ecological reference points (ERP); (2) provide recommendations on the 2021-2022 fishery specifications; and (3) elect a new AP Chair. AP members in attendance represented commercial harvesters and processors, recreational anglers, and conservation coalition members. Additionally, three AP members were unable to participate and instead submitted written comments ahead of time, which were raised during the meeting by the AP Chair.

Participating AP Members:

Vincent Balzano (ME)	Jeff Kaelin (NJ, Chair)
Melissa Dearborn (NY)	James Kellum (VA)
Jeff Deem (VA – written comment)	Meghan Lapp (RI)
Paul Eidmen (NJ)	Patrick Paquette (MA)
Bob Hannah (MA – written comment)	David Sikorski (MD)
Peter Himchak (NJ)	Scott Williams (NC)
Ken Hinman (VA – written comment)	

The following is a summary of the meeting and discussion had by the AP members. Individual AP comments, which were submitted by both participating and non-participating members, are appended to this report.

ERP Fecundity Target and Threshold

ASMFC Staff reviewed the updated FEC target and threshold based on the ERP fishing mortality (F) target and threshold approved by the Board in August 2020. The AP asked clarifying questions to better understand the ERP assessment and how the FEC reference points were calculated. There were no recommendations made by the AP.

2021-2022 Total Allowable Catch Alternatives

7 AP members spoke or submitted comment in favor of status quo (216,000 mt) for 2021-2022. Rationale included:

- Given the precautionary nature of previous TAC decisions, which resulted in F below the ERP F target in recent years, a risk of 66% of exceeding the ERP F target will not adversely impact the role menhaden play in the environment.
- It is overly precautionary to set the TAC for menhaden based on the risk of exceeding the ERP F target. For example, the federal risk policy for setting an acceptable biological catch (ABC) is based on risk of exceeding the overfishing limit (OFL), a value akin to the ERP F threshold; status quo has a 0% chance of exceeding the F threshold in both years.

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- Since the striped bass population is overfished, there is less demand for menhaden right now and it was explained previously that even setting the TAC to zero for menhaden would not be enough to restore the striped bass population.
- Given the precautionary nature of the TAC in recent years, maintaining the TAC at current levels for the next 2-years is reasonable, and supportive of the environment and the fishery.
- The TAC should remain status quo particularly during this time of economic crisis due to the COVID-19 pandemic. Additionally, harvest in 2020 will be well below the TAC due to lost fishing opportunity thus providing an additional buffer to the fishery.

5 AP members spoke or submitted comment in favor of setting the TAC at a level associated with a 50% probability of exceeding the ERP F target in 2021 and 2022. Rationale included:

- Fishing at the ERP F target is intended to maintain a forage base for striped bass and other predator species that support important commercial and recreational fisheries; 50% risk tolerance of exceeding that F target is appropriate and consistent with past decisions.
- The Board should continue on the path of ecosystem-based management and not revert back to single-species management approaches. These TAC values are guided by new ERP modeling and management approaches which the Board committed to in August with the adoption of ERPs.
- It's important the Board give the ERP models every opportunity to do what they are intended to do; future decisions should be consistent with the ERPs that have been implemented.
- These decisions go beyond helping rebuild the striped bass population. Anything less than a 50% probability isn't appropriate. The value of other fisheries that depend on menhaden as forage must continue to be considered.
- Yes, there is good abundance of menhaden right now, and that is the result of precautionary management actions; these new ERPs allow for continued success.

Elect New AP Chair

Megan Lapp (RI) was elected the new AP Chair. Ms. Lapp will assume the chair position following the 2020 ASMFC Annual Meeting. The AP thanked Mr. Kaelin for his years of professionalism and service as Chair of the AP.

Other Comments

AP members shared on-the-water experiences in recent years, and commented that there have been more small fish and fewer large, older fish in the catch particularly in the Northeast. The AP also expressed concern about the 6,000 pounds incidental catch provision, namely that participation (effort) has increased to concerning levels in recent years and the harvest under the provision does not count towards the TAC. The AP recommends that these issues be addressed in the next management document for Atlantic menhaden.

The AP adjourned at 6:45 PM.

Max Appelman

From: Jeff Deem <deemjeff@erols.com>
Sent: Wednesday, October 7, 2020 1:28 PM
To: Max Appelman
Cc: Jeff Kaelin
Subject: [External] Menhaden AP

Max:
Good afternoon.

I understand you will be handling the Menhaden AP meeting tomorrow afternoon. I wanted to let you know that I may not be able to participate. I have surgery tomorrow morning for a Parkinson's Disease treatment that may take five hours. If I am able I will be on line. If not, I have a few questions that I would like answered if possible.

First, I have seen a study that stated that Menhaden provide only 20% of a striped bass' diet. In determining the amount of forage required for striped bass did they use menhaden as 20% or does it assume using menhaden to meet 100% of the forage needs for the desired striped bass stock size?

Second, why are recruits predicted to drop dramatically if fecundity is expected to rise.?

I have not heard who is willing step into the Chairman's position other than Megan Lapp. If there are other volunteers I would have to consider them all. At the moment, I have no problem with her in that seat.

On the TAC. This fishery has grown so substantially that we allocated percentages to states that had not seen enough menhaden for a directed fishery in 50 years, if ever. I am comfortable with leaving the TAC where it is or adding a slight increase unless we see a substantial drop in the stock size.

Thanks for your time. I hope to be on line.
Jeff Deem

Max Appelman

From: Ken Hinman <khinman@wildoceans.org>
Sent: Wednesday, October 7, 2020 8:06 PM
To: Kirby Rootes-Murdy; ATLANTIC MENHADEN ADVISORY PANEL
Cc: Spud Woodward; Max Appelman; JEFF KAELIN; ATLANTIC MENHADEN INTERESTED
Subject: [External] RE: REMINDER: Atlantic Menhaden AP Webinar scheduled for October 8 from 5-7pm- Draft Agenda and Memos

Dear Kirby, Max, Spud, Jeff *et al*,

Because of a prior commitment to do volunteer work in Lexington, I will be unable to participate in the Atlantic Menhaden Advisory Panel webinar tomorrow evening. I have read the materials from the Technical Committee (stock projection memo) and, as you know, have been participating in the development of ecological reference points (ERPs) for menhaden for two decades now. So I am providing my position on the proposed TAC for 2021-22 and accompanying rationale for inclusion in the AP summary.

Position: Adopt a Total Allowable Catch that has no more than a 50% chance of exceeding the ERP target, i.e., the maximum fishing mortality rate (F) on menhaden that sustains striped bass at their biomass target. According to the TC's stock projection memo (Table 1), that would correspond to a TAC of no more than 176,800 tons in 2021 and 187,100 tons in 2022.

Rationale: Such a conservative TAC would also provide a buffer to account for the overfished status of Atlantic herring and the poor condition of alternative prey species (river herring, shad, butterfish and mackerel, e.g.), the needs of other dependent predators (seabirds, marine mammals, sharks and large pelagic fishes), and other uncertainties, which is precisely what an ERP should do.

In my opinion, anything less would not constitute an ecosystem-based approach to managing menhaden and could not be characterized as such. The ASMFC has invested significant time and resources to get us to this "point," and the Menhaden Management Board should be strongly urged by the Advisory Panel to take this action which will benefit so many Commission-managed species and the fisheries that depend on them, directly and indirectly.

Thank you for considering my views and I hope you have a productive meeting.

Best regards,

Ken Hinman
Lovettsville, Virginia

From: Kirby Rootes-Murdy [<mailto:krootes-murdy@asmfc.org>]
Sent: Friday, October 02, 2020 11:26 AM
To: ATLANTIC MENHADEN ADVISORY PANEL
Cc: Spud Woodward; Max Appelman; JEFF KAELIN; ATLANTIC MENHADEN INTERESTED
Subject: REMINDER: Atlantic Menhaden AP Webinar scheduled for October 8 from 5-7pm- Draft Agenda and Memos

Good Morning Atlantic Menhaden AP members,

Max Appelman

From: Robert Hannah <zoey01930@yahoo.com>
Sent: Thursday, October 8, 2020 2:51 PM
To: Max Appelman
Subject: [External] Scheduled AP Webinar

Good afternoon Max,

Do to a family matter that just arose I will not be able to participate in this evenings meeting. How ever I do have a few comments and concerns I would like to be included in the minutes of the meeting.

As a stakeholder in the Fisheries, I would like the TAC to stay as Status Quo.

However I do have concerns about the "year classes" from the 2020 season. There was a change in the catch/year classes that until this year were not noted. We saw very few 5-6 year old fish that were landed; mostly 2-4 year old class fish. Which makes me wonder if there is a gap in the year classes. Typically up north we would see and be fishing on the older year class fish.

Another area that concerns me is the 6 thousand pound permits. This permit was originally put in place as a By-Catch permit for the Rock Fisherman in the Chesapeake. However states have now turned it into a full time Seine Fishery, growing in numbers yearly.

All of these added permits will have a dramatic impact on the limited numbers of fish and the Fisheries as a whole. And unless I am mistaken this catch is not counted in the yearly TAC.

Thank you for including me in this meeting. I would like to be kept informed and participate in future meetings.

Regards, Robert Hannah

Sent from my iPad

Max Appelman

From: Peter Himchak <Peter.Himchak@cookeaqu.com>
Sent: Thursday, October 8, 2020 6:55 PM
To: Max Appelman
Cc: JEFF KAELIN
Subject: [External] My comments on the TAC setting process for 2021 and 2022

Max, Kindly accept my comments as an AP member.

Comments for the ASMFC Atlantic Menhaden Advisory Panel Webinar

October 8, 2020

In my 45 year career in fisheries management, I have had the privilege and benefit of serving on both the Mid-Atlantic Fishery Management Council (6 years) and many ASMFC Management Boards (8 years), after serving on many ASMFC Technical Committees.

I am quite familiar with the concept of risk analysis, especially when dealing with target and threshold reference points, and the overarching goal of maintaining resource sustainability and preventing overfishing.

I served on the MAFMC during the development of the ABC Control Rules and Risk Policies for the conservation and management of all federally managed species under the Magnuson Act.

In setting an Acceptable Biological Catch (ABC), the Councils' risk policies mandated that there could not be greater than a 50% risk of exceeding the Overfishing Limit (OFL), that is, a value akin to a threshold reference point, either F or biomass, used in the ASMFC process.

I find it confounding and overly precautionary that the emphasis on setting menhaden TAC projections for 2021 and 2022 are all highlighted by the risk of exceeding the target ERP value (Table 2) and there is little to no discussion on the non-existent to minimal risk associated with exceeding a threshold ERP values under any of the scenarios (Table 3).

I realize that the target ERP is defined as the maximum F on menhaden and therein, I think, lies the misguided discussion on risk, because if one reads the entire definition of the target ERP F, it is based on keeping striped bass at their biomass target when striped bass are fished at their F target.

The striped bass resource is overfished and overfishing is occurring, hence the current biomass of striped bass is significantly below its target biomass, and even below its threshold biomass. So, what biomass of striped bass currently exists that does not have access to sufficient numbers of menhaden as forage? None!

It has been pointed out in the SEDAR 69 ERP Assessment Report and presented by ERP WG representatives that no decrease in the menhaden TAC, even to the extent of a moratorium, alone, can restore striped bass to their target biomass.

It will take serious management action through an AM 7 to restore striped bass to their target biomass by 2029. In the meantime, the industries are being forced to leave more and more menhaden in the water for an unachievable goal.

The ASMFC has managed menhaden in such a precautionary manner since the implementation of AM 2 in 2013 that even with the development of ecological reference points, the resource was demonstrated to be below the target ERP F.

In this context, even a risk analysis of 70% of exceeding a target ERP F is should not be troublesome in diminishing the ecological role that menhaden serve in the ecosystem.

The commercial fisheries for menhaden have been critically constrained for many years under a precautionary TAC, always a risk assessment on target values and not threshold values, that simply asking to maintain an existing TAC of 216,000 mts. for the next 2 years is reasonable and supportive of the ecosystem.

The Board is being asked to set a short term 2 year menhaden TAC and the TAC is being driven by the need for forage, primarily for striped bass. The striped bass resource has less than a 50% probability of achieving its target biomass by 2029. So, why is the industry being asked to consider anything less than the current TAC, that would be a significant increase of fish left in the water when there are already sufficient numbers of menhaden in the water already to serve their ecological functions.

Peter Himchak

Max Appelman

From: paulyfish reeltherapy.com <paulyfish@reeltherapy.com>
Sent: Wednesday, October 14, 2020 8:21 AM
To: Max Appelman; Toni Kerns
Subject: [External] Addition to my comments on the Management board option

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Dear Max:

Atlantic menhaden serve as forage for striped bass, bluefish, weakfish, summer flounder, bluefin tuna and other species that drive the recreational fishing economy in on the East coast, as well as whales, dolphins, birds that contribute to ecotourism activities.

The Atlantic States Marine Fisheries Commission's visionary action in August 2020 to adopt Ecological Reference Points for Atlantic menhaden management was an important acknowledgment of the key role menhaden play in the ecosystem. Now, at its October meeting, the Commission must effectively implement this new system by setting a coast-wide catch limit that is likely to succeed in meeting the new ecological target.

According to the Atlantic Menhaden Technical Committee, the TAC that would lead to a 50% probability of exceeding the new ecosystem target fishing mortality rate for 2021-2022 (combined) is 176,800 mt per year. This catch limit would be consistent with other species managed by the Commission.

However, given the poor condition of other forage species, especially Atlantic herring, the Board should adopt an additional conservation buffer to assure adequate forage for striped bass and other species. In fact, Atlantic herring are now overfished, justifying a substantial reduction in catch to assure adequate forage for striped bass and other species.

In the ecological reference points decision document presented by the ERP Work Group to Management Board in August, the "threshold scenario," (which included Atlantic herring at levels higher than current levels but below 2017 levels), required Target $F=.03$, far lower than the current ERP Target $F=.19$.

For this reason and others, I am requesting that the Menhaden Management Board adopt the most conservative 2021-2022 Total Allowable Catch limit (TAC) option of 148,700 MT. This option has a 25% probability of exceeding the ERP Target.

We thank you for your ongoing managerial leadership and we look forward to collaborating with you to rebuild striped bass and other key species managed by the ASMFC.

Sincerely,

Paul
Capt. Paul Eidman
Menhaden Advisory panel member

Capt. Paul Eidman
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paulyfish@reeltherapy.com

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