

**PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
ATLANTIC MENHADEN MANAGEMENT BOARD**

**The Harborside Hotel  
Bar Harbor, Maine  
October 26, 2016**

**Approved February 1, 2017**

**TABLE OF CONTENTS**

Call to Order, Chairman Robert Ballou ..... 1

Approval of Agenda ..... 1

Approval of Proceedings, August, 2016..... 1

Public Comment..... 1

Review of the Timeline of Menhaden Activities through 2019 ..... 3

Set 2017 Atlantic Menhaden Fisheries Specifications ..... 5

    Review of Stock Projections and Recent JAI Trends..... 5

    Consider Postponed Motion to Set the 2017 Total Allowable Catch ..... 9

Consider Draft Amendment 3 Public Information Document for Public Comment ..... 20

    Review of Management Options..... 20

    Advisory Panel Report ..... 24

Technical Committee Report ..... 38

    Review of “The Fate of an Atlantic Menhaden Year Class” ..... 38

BERP Working Group Progress Report..... 43

Review and Populate Advisory Panel Membership ..... 44

Adjournment..... 47

**INDEX OF MOTIONS**

1. **Approval of Agenda** by Consent (Page 1).
2. **Approval of Proceedings of August, 2016 by Consent** (Page 1).
3. **Tabled Motion from August 2016**  
**Move to set the 2017 coastal total allowable catch (TAC) for the Atlantic menhaden fishery at 255,456 metric tons (20% increase)** (Page 11). Motion by Martin Gary; second by \_\_\_Schill. Motion amended (Page13).
4. **Motion to Amend**  
**Move to amend the motion to set the 2017 coastal total allowable catch for Atlantic menhaden at 200,000 metric tons (approximate 6.45% increase)** (Page 11). Motion by Malcolm Rhodes; second by Terry Stockwell. Motion passes unanimously and becomes the main motion (Page 13).
5. **Move to amend to set the 2017 coastal total allowable catch for Atlantic menhaden at 187, 880 (status quo) metric tons** (Page 13). Motion by Bill Goldsborough; second by Ritchie White. Motion fails (Page 20).

**Main Motion as Amended**

**Move to set the 2017 coastal total allowable catch for Atlantic menhaden at 200,000 metric tons.** Motion passes 16 to 2 (Page 21).

6. **Move to approve the Atlantic Menhaden PID, with the additions suggested and discussed by the board here today, and including editorial changes submitted to the FMP Coordinator by Friday close of business** (Page 39). Motion by Robert Boyles; second by Jim Gilmore. Motion passes unanimously (Page 39).
7. **Move to appoint Bob Hannah (MA), Patrick Paquette (MA), Dave Monti (RI), Meghan Lapp (RI), Paul Eidman (NJ), Leonard Voss (DE), Peter Himchak (VA), and Scott Williams (NC) to the Atlantic Menhaden Advisory Panel** (Page 46). Motion by Michelle Duval; second by Bill Adler. The motion was approved by consent (Page 47).
8. **Move to add Jeff Deem to the Atlantic Menhaden Advisory Panel as a third member from Virginia** (Page 48). Motion by Rob O'Reilly; second by Nichola Meserve The motion was approved (Page 48).
9. **Motion to adjourn** by Consent (Page 48).

**ATTENDANCE**

**Board Members**

Terry Stockwell, ME, proxy for P. Keliher (AA)	Tom Moore, PA, proxy for Rep. Vereb (LA)
Sen. Brian Langley, ME (LA)	John Clark, DE, proxy for D. Saveikis (AA)
Steve Train, ME (GA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Cheri Patterson, NH, proxy for D. Grout (AA)	Roy Miller, DE (GA)
G. Ritchie White, NH (GA)	Rachel Dean, MD (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Dave Blazer, MD (AA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Bill Goldsborough, MD, proxy for Del. Stein (LA)
Bill Adler, MA (GA)	John Bull, VA (AA)
David Pierce, MA (AA)	Rob O'Reilly, VA, Administrative proxy
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Kyle Schick, VA, proxy for Sen. Stuart (LA)
Robert Ballou, RI, proxy for J. Coit (AA)	Cathy Davenport, VA (GA)
David Borden, RI (GA)	Michelle Duval, NC, proxy for B. Davis (AA)
David Simpson, CT (AA)	David Bush, NC, proxy for Rep. Steinburg (LA)
Rep. Melissa Ziobron, CT, proxy for Rep. Miner (LA)	W. Douglas Brady, NC (GA)
Lance Stewart, CT (GA)	Malcolm Rhodes, SC (GA)
Jim Gilmore, NY (AA)	Robert Boyles, Jr., SC (AA)
Emerson Hasbrouck, NY (GA)	Sen. Ronnie Cromer, SC (LA)
Sen. Phil Boyle, NY (LA)	Patrick Geer, GA, proxy for Rep. Nimmer (LA)
John McMurray, NY, Legislative proxy	Spud Woodward, GA (AA)
Russ Allen, NJ, proxy for D. Chanda (AA)	Nancy Addison, GA (GA)
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	Jim Estes, FL, proxy for J. McCawley (AA)
Tom Fote, NJ (GA)	Martin Gary, PRFC
Loren Lustig, PA (GA)	Derek Orner, NMFS
Andy Shiels, PA, proxy for J. Arway (AA)	Wilson Laney, USFWS

**(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)**

**Ex-Officio Members**

Jason McNamee, Technical Committee Chair	Jeff Kaelin, Advisory Panel Chair
Rob Kersey, Law Enforcement Representative	

**Staff**

Bob Beal	Shanna Madsen
Toni Kerns	Megan Ware

**Guests**

Tim Sartwell, NOAA	Nichola Meserve, MA DMF	Mark Belton, MD DNR
Chris Wright, NMFS	Lynn Fegley, MD DNR	Michael Luisi, MD DNR
Vincent Balzano, NEFMC	Greg Peterson, MA F&G	Diedre Gilbert, ME DMR
Diedre Boelke, NEFMC	Doug Christel, MD F&G	Meredith Mendelson, ME DMR
Matthew Gates, CT DEEP	Mike Luisi, MD DNR	Stewart Michels, DE DFW

Proceedings of the Atlantic Menhaden Management Board Meeting October 2016

Heather Corbett, NJ DFW  
Steve Heins, NYS DEC  
Mark Gibson, RI DEM  
Joe Cimino, VMRC  
Jerry Morgan, ACCSP  
Bill Trotter, Bangor Daily News  
Ben Martens, CCCFA  
Raymond Kane, CCCFA  
Emily Tucker, CCCFA  
Jim Dow, MLA  
Patrice McCarron, MLA  
Lawrence Manning, MSBA  
Edwin Tully, MSBA  
Wayne Correia, MSBA  
Norman Cohen, MSBA  
Derven O'Shea, MSBA  
Jim Reeves, MSBA

Jonathan O'Connor, MSBA  
Ken Himnam, Wild Oceans  
Shaun Gehan, Omega Protein  
Ben Landry, Omega Protein  
Pete Himchak, Omega Protein  
Monty Diehl, Omega Protein  
Peter Baker, PEW  
Katherine Deuel, PEW  
Morgan Callahan, PEW  
Aaron Kornbluth, PEW  
Zak Greenberg, PEW  
Greg Weiss, PEW  
Christine Fletcher, PEW  
Joseph Gordon, PEW  
Bob Vanesse, Saving Seafood  
Simon Dean, Solomons, MD  
Raymond Kane, CHOIR

Pat Augustine, Coram, NY  
Arnold Leo, E. Hampton, NY  
Michael Gordon, Bar Harbor, ME  
Jennie Bichrest, Topsham, ME  
Chris Hole, Harpswell, ME  
Emily Morse, Harpswell, ME  
Jimmy Kellum, Kellum Maritime  
Jonathan Atwood, Ofc. Asm  
Andrzejczak  
Bob Brown, MD Watermens  
Assn.  
Rob Winkel, NJ Sportsmens Fed.  
Zack Klyver, ME

The Atlantic Menhaden Management Board of the Atlantic States Marine Fisheries Commission convened in the Stotesbury Grand Ballroom of the Bar Harbor Club, Harborside Hotel, Bar Harbor, Maine, October 26, 2016, and was called to order at 2:35 o'clock p.m. by Chairman Robert Ballou.

### **CALL TO ORDER**

MR. ROBERT BALLOU: I would like to call this meeting of the Menhaden Management Board to order; my name is Bob Ballou, I have the honor of serving as board Chair. Before we begin, I would just like to note that we have a very full agenda, and three hours to get through it; so I ask for the board's and the public's assistance in being as concise as possible with questions and comments.

I also want to remind the board that the one item on our agenda today involving final action would be the 2017 Specifications. Any meeting specific proxies will be able to fully engage with the caveat that they will not be able to participate in the final voting by the board on the final action item.

### **APPROVAL OF AGENDA**

CHAIRMAN BALLOU: Item 2 on our agenda is the approval of the agenda itself. Are there any additions to the agenda? Seeing none; is there any objection to approving the agenda as proposed? Seeing none; the agenda as approved stands approved by consent.

### **APPROVAL OF PROCEEDINGS**

CHAIRMAN BALLOU: The next item is the approval of the proceedings from the August, 2016 board meeting. Are there any changes to those minutes? Yes, Emerson Hasbrouck.

MR. EMERSON C. HASBROUCK: I noticed that in the proceedings, starting on Page 1 or Page 2, the header indicates that it is for the February, 2016 board meeting. The cover says it was for the August, 2016 meeting. I would just suggest that the header on each of the individual pages be updated to indicate that it is the August, 2016 meeting.

CHAIRMAN BALLOU: That's a controversial suggestion, but I'm going to take it as a very fair and reasonable modification to the minutes. Is there any objection to approving the minutes as just modified? Seeing none; the minutes as modified stand approved by consent.

### **PUBLIC COMMENT**

CHAIRMAN BALLOU: Public comment is the next item on the agenda.

This is an opportunity for anyone from the public who wishes to comment on any issue that is not on today's agenda to do so; which means that if your comments pertain to either the 2017 Specifications or the Draft PID for Amendment 3, now is not the time to comment. There will be opportunities to comment on at least one of those issues when we get to them, the PID in particular. We do have a signup sheet, and we have three people signed up, so I will go in order; beginning first with Mr. Robert T. Brown.

MR. ROBERT T. BROWN: Robert T. Brown; President of the Maryland Watermen's Association. I want to thank the Chair and the Commissioners for allowing me to speak today on menhaden. First, I would like to thank the Commission for allowing two quota bycatch per vessel per day. This has allowed our fishermen to continue work this year; and they thank you, as well.

A majority of the menhaden in Maryland are caught by pound nets, which is a stationary gear. In Maryland, our quota is only 1.37 percent of the overall quota. Fishing

Proceedings of the Atlantic Menhaden Management Board Meeting October 2016

management is not a precise science, and it has so many unknowns and assumptions. The Technical Committee uses the best science available at the time to make proposals to this Commission.

If the Technical Committee determines that the spawning stock is in decline and determines action needs to be taken, the Commission acts promptly. Now, the Technical Committee proposes an increase up to 40 percent without harming the fishing stock. I ask the Commission to act swiftly and promptly today. Thank you.

CHAIRMAN BALLOU: Thank you, Mr. Brown. Next, I have John McMurray.

MR. JOHN G. McMURRAY: I'm going to pass, Mr. Chairman. I signed the wrong sheet, apparently.

CHAIRMAN BALLOU: Then the next and last would be Zack Klyver.

MR. ZACK KLYVER: I had signed up to speak to menhaden, as well.

CHAIRMAN BALLOU: Now is the time.

MR. KLYVER: I am very excited that you're all here. Welcome to Bar Harbor. I know you've been welcomed many times to Maine. My name is Zack Klyver, and I work as a naturalist for the whale watch company here in Bar Harbor. It is very appropriate that we're talking about menhaden in the context of Bar Harbor.

Historically, these islands that are right out offshore from here, a hundred years ago there were many fish shacks on them and in the fish shacks were pogy presses; and there they would squeeze the menhaden down for oil. If the wind was blowing in the right direction, it would blow the fish smell all over the town of Bar Harbor, and it wasn't very popular with the summer residents.

But it was a fish run that made it a lot of times up into Frenchman Bay. I want to congratulate

you on the work you've done recently to increase the stock of menhaden in the Atlantic Ocean. The fact that we had menhaden coming up to Portland this summer was very exciting. We're hopeful that the menhaden stock will continue to expand, and eventually make its way back up into Frenchman Bay in large numbers.

We did have a year back in the early nineties when we had a lot of menhaden here. It was an incredible thing; there were whales in the Bay, tremendous amounts of runs of fish up into Frenchman Bay. I hope you'll continue to consider the tourism industry in all that you do with fisheries. Tourism here in Maine is a \$7 billion industry.

It is more than all of fisheries, forestry and agriculture put together. The more we can expand the stock, that is great for tourism. It's also good for the lobster industry. We know that quite a few of the fishermen were able to catch bait this summer. I hope, as the population continues, that it will benefit the Maine lobster industry tremendously, as well. Thank you.

CHAIRMAN BALLOU: Is there anyone else from the public who wishes to address the board? Yes, Ma'am in the back.

MS. JENNIE BICHREST: I'm Jennie Bichrest; I'm from here in Maine. I don't know if this is the appropriate place or time to ask about this, but I was wondering if, perhaps, it might be time to think about a possible control date for menhaden. Unless it's for the future, we talk about redistributing the allocations that at least in Maine we have, you might as well say, no quota; and we have in the past caught an incredible amount of fish.

At least if we're not going to get redistribution of the coastwide quota, we may need to look at possibly limited entry in the future or at least a control date; so we can discuss it so that we can move forward with everyone able to make

money. The more boats and boats that are in this, it is just ridiculous; you can't make money allowing every last person into the fishery when they're closed out of everything else. I guess that's it.

CHAIRMAN BALLOU: Thank you very much for that suggestion. It sounds like the type of suggestion that could be included in Amendment 3, and we will be taking up that matter later in this meeting. Is there anyone else from the public who would like to address the board?

### **OVERVIEW OF THE TIMELINE OF MENHADEN ACTIVITIES THROUGH 2019**

CHAIRMAN BALLOU: Seeing no hands, we'll move on to the next agenda item, which is an overview of the timeline through 2019. The board has a very busy year ahead, dominated by the Amendment 3 process, but also involving several other issues and actions.

That active pace will continue through 2018 and 2019. To ensure that the board is clear on what is ahead; that is what's in the cue and how the various pieces and pending actions relate and will sequence. Staff has put together a comprehensive timeline, which Megan is about to present. We just have about ten minutes on this item, so this is just a quick overview; really an FYI intended item. But Megan, I'm sure, will be happy to take questions, after her presentation.

MS. MEGAN WARE: I'll just reiterate that the purpose of this timeline is to one, show the immense amount of action that is before this board in 2017. Not only do we have Draft Amendment 3, but we have a stock assessment update, we have a socioeconomic study, we have the ongoing work of the BERP working group.

I just wanted to highlight to everyone what's ahead, and also set uniform expectations for what's going to happen at each of the board

meetings. Today I'm just going to go through the board meetings for 2017. But if you want a more detailed look at the committee meetings that are going to happen, or what might happen in 2018 and 2019, please refer to that timeline.

If everything goes according to plan today, we will be reviewing public comment on the PID at our next meeting in February, so that will include both written comment and public hearings. The ultimate goal of this meeting is for the board to provide direction to the PDT what management options should be included in Draft Amendment 3. We'll go through the PID later, but some of those issues, such as the small scale fishery and incidental catch issue, have quite a number of management options currently included in the PID. It would be great to try and narrow those down. Other issues, such as quota rollovers, we just have public comment questions; and so it would be great to hear from the board about specific management options to include in that draft amendment.

We will also review the results of the socioeconomic study, and that information will be included in Draft Amendment 3. Our next meeting will be May, 2017. This is going to be a bit of a lighter board meeting, but I think it will be a good break. We're going to focus on the FMP review. The PDT will still be drafting Amendment 3.

We'll go over 2016 landings, overages, transfers, as well as quotas for 2017. I'm also going to ask the board to provide projection runs for the 2018 TAC. The TC, I think, found it really useful to have some idea of what the board is considering. I think we should try and use that method again this coming year. Then we'll hear a BERP working group update, as well.

Our August, 2017 meeting is going to be quite a big lift for this board, and that is because we have three major actions that we're going to be taking here. The first will be considering Draft



Amendment 3 for public comment. The PDT will have finished writing that. We'll review it as we're going to review the PID today and hopefully approve it for public comment.

Our second action item is going to be to consider approval of the 2017 stock assessment update for management use. In the New Year the TC is going to start work on our stock assessment update. Right now, this is scheduled for presentation to the board in August. The reason we're scheduling it for this time is I think it is just too much of a lift for the board to consider a stock assessment update as well as final action on Amendment 3; trying to spread out the workload of the board here, so we can talk about each item in an effective manner.

Finally, we are going to try and set fishery specifications for 2018 at this August meeting. There are a couple of reasons for this; the first is I've just heard the 2017 stock assessment updates. The board is going to be well informed as to the current status of the stock. The other reason is, given our ongoing robust discussion on the 2017 TAC, there is a bit of hesitation in starting this discussion after taking final action on Amendment 3 at the annual meeting.

At the very least, I would like to begin discussion on this topic. Ideally, we would like to set a TAC. I will just note that if the board, after they take final action on Amendment 3, wants to reconsider that TAC, that is an option. But we would like to have something in place. Finally, our annual meeting in 2017 will be devoted to final action on Amendment 3.

We'll be reviewing the public comment, selecting final management options, and an implementation deadline. This is the last slide here. We've gotten a number of questions as to how the BERP Working Group's actions are going to fit in with the management actions of this board, and Shanna is going to provide a

thorough and detailed overview of their upcoming timeline.

But I just wanted to kind of throw up some highlights, so everyone has a good idea of where we're going. In 2017, they are going to continue to have in-person meetings and conference calls, and they are going to be focusing on two of the four models they're considering; the multispecies catch-at-age model, and the production model with time-varying parameters. In 2018 there are going to be two data workshops held, and this will be followed by two assessment workshops in 2019. This is really the start of what we typically say is a formal assessment process. Then those multispecies models will be peer reviewed at the end of 2019. I will note that this also does include a review of the single species BAM model, so 2019 is a benchmark stock assessment year for menhaden.

The TC will begin work on the BAM model, so when we go to peer review, we're going to have a complete package of both the multispecies models and the single species model, so we can get the best recommendations from the peer review panel. With that, I'll take any questions.

CHAIRMAN BALLOU: Questions for Megan. Yes, Jim.

MR. JIM ESTES: Megan, thank you for your report. Did I understand correctly that we will not be having a board meeting in February?

MS. WARE: We most certainly will to review public comment on the PID.

CHAIRMAN BALLOU: Additional questions for Megan? Seeing none; thank you, Megan, we do have a very busy year ahead of us. I certainly am intending to keep us on track. It is an ambitious timeline, but I think it is important that we try and do our best to reach a decision point one year from now on Amendment 3, which is the big one, and then, as well, feed in those other pieces that Megan referred to.

## **SET 2017 ATLANTIC MENHADEN FISHERIES SPECIFICATIONS**

CHAIRMAN BALLOU: That's where we are, and that's where we're looking to go. With that, we're on to Agenda Item 5, Fisheries Specifications for 2017, a familiar topic. This is a final action. We have slated 30 minutes for this action, and I have every hope and intention of staying well within that 30 minute timeframe. This is an item carried over from the last board meeting in August.

At that meeting, after a series of votes by the board on motions that did not carry, the board approved a motion to postpone the matter until the board's next meeting. When the motion to postpone was improved, the pending motion, which was the main motion, was to set the 2017 coastal TAC for the menhaden fishery at 225,456 metric tons; which would be a 20 percent increase over the current TAC. Given the nature of the motion to postpone, no additional motion is needed to bring the main motion back before the board today, this being our next meeting.

As such, it is now back, and serves as our starting point. Before we reengage in the spec setting process, we have a brief Technical Committee report; which first refreshes the board on the projection runs for the 2017 specifications, and then provides some updates on recruitment trends in the fishery in response to the board's request in August for additional information on that issue. For that report, we have our TC Chair, Jason McNamee keyed up and ready to go, so Jason, the floor is yours.

## **REVIEW OF STOCK PROJECTIONS AND RECENT JAI TRENDS**

MR. JASON McNAMEE: Jason McNamee; Rhode Island DEM Marine Fisheries. I've got a brief presentation here. I'm going to hit two slides on stock status. I'm going to show you two tables on some of the projection information, so you'll have 5,000 numbers bouncing around

in your head again. We can come back to any of these slides at any point, if people need them when you get into your deliberations. With that I will jump right in. The first slide here is on current stock status with regard to fishing mortality. You can see from this slide that we are both below the target and the threshold for fishing mortality for menhaden. This is, of course, generated from the last stock assessment. The next slide -- this is actually fecundity; but that is like our biomass proxy for menhaden. Here you can see we're above the threshold, and we're bounding around the target up there at the top.

Summation of those two slides is that stock status is in pretty good shape right now. The board had us run a number of projections. This first table here was a set of increases to the current TAC. That first row was what the current TAC was in the previous year, and then a series of increases from that so 5 percent, 10 percent, 20, 30, 40.

You can see how the TAC increases as you go down the rows. Just to the right of the TAC column is the risk of exceeding the F target, and then to the right of that is the risk of exceeding the F threshold. Perhaps, not shockingly, as you go up in TAC the risk of exceeding the F target increases. But for all of these runs that we did, the risk of exceeding the F threshold was 0 percent.

The next table was another series of projections that were requested, same setup for this table. These were probabilities of being below the F target, and different levels of risk; so 50 percent, 55 percent and a 60 percent probability of being below the F target in 2017. You can see the TACs that are associated with those risk levels.

Since we had set them to be at these risk proportions, that's just a little math there, but again, all the way to the right the risk of exceeding the F threshold for these projections was zero. The next couple of slides, I'll call it TC

fine print for projections. There are a lot of caveats, a lot of assumptions that go into projections. They are highly uncertain.

Really quickly, I'm actually not going to dig into these too much. I've shown them to you, me personally to this board, probably 10 times over the past few years. There is no structural uncertainty incorporated. There are a lot of functional forms, things like recruitment that condition the projection model.

The allocations are assumed to be carried forward; and what we mean by that is the amount of fish that are being used in these two fishery sectors, bait and reduction. We assume that those carry forward, and that has a lot to do with the selectivity and where these fish are being taken for these different fisheries.

I think this is a final slide on this. If there is a run of poor recruitment or anything like that that can affect the outcome of these projections; and the projections apply the Baranov Catch Equation. This is assuming a couple of different things, such as catches occurring throughout the year, not during specific seasons. Anything that changes that would change the outcome of the projections.

At the August meeting, when you were deliberating on the TAC for 2017, one of the things that had come up during your discussions was a request to look at recruitment trends. I think what folks were asking for specifically was, can you get us an updated recruitment trend for our next meeting. Unfortunately, recruitment is generated by the BAM model; it's not something that can be easily done. That would take a full update, and we, of course, did not have time to do that.

We were trying to think what else we might be able to provide you to give you some kind of information. What we came up with was a series of juvenile abundance indices that we kind of collect and look at. They are from up and down the coast, and so that is what I'm

going to show you in the next series of slides; just some graphs of abundance indices, and these are specific to young-of-the-year indices.

We ended up getting eight indices from six different states that were able to be updated in time for this meeting. These indices are presented in an attempt to provide the board with some information on the juvenile portion of the menhaden population. I'm going to click now through these indices, but then I've got some more TC fine print for you at the back end, so bear with me on that.

The first one is the Rhode Island Seine Survey. This is in the northern extent of the stock, and you can see that there is a period of low recruitment in the late eighties and a period of kind of higher, variable recruitment there as you got around the year 2000. Dropped back down again and then we had a couple of good years these past two years in particular, in 2015.

Information from Connecticut, this is also a seine survey. This is from the Connecticut River. Connecticut is not too far away from Rhode Island, so not shockingly, there is a similar trend there with 2014 and 2015 having some high recruitment numbers. Another Connecticut seine survey, this one in the Thames River, a little bit further to the east in Long Island Sound.

A little bit different information, a shorter time series as well though; so those kind of high years are coincident with the higher years from Rhode Island and the other Connecticut survey, and then it kind of drops down and then 2014 and 2015 are higher than it had been; although it didn't reach the peaks that you saw in the previous couple of slides.

One more from Connecticut, this is from the trawl survey. I believe this is truncated to just the young-of-the-year information. Again, you can see at the tail end of the time series, which I think is what people are most interested in, one

average and one above average recruitment numbers there.

Okay, New York seine survey, again a period of higher abundance and variability for juveniles in the New York area. I believe this is the Western Long Island Sound Seine Survey. Then it kind of drops down and then 2014 and 2015 you had some higher numbers. Delaware, so now we're moving a little further south.

What you see from Delaware is kind of a different signal, a lot of variability; pretty flat overall. You had a pretty big spike there in the early nineties, maybe another period of higher abundance, above average anyways towards 2000, but it's been basically oscillating around the average since about 2000.

Okay, the Maryland Seine Survey. This one goes back further. It has a longer time series than what I've been showing you, so far. This one goes back to 1959, so in the early part of the time series pretty low, and then you had this really productive high juvenile period in the seventies and the early eighties, and then it kind of tails off.

What you see is from about 1995 to present. It has been pretty low recruitment in the Maryland area. This is the Virginia Seine, so early on in the time series -- much shorter time series than we just looked at. You had some high catch-per-haul numbers, and then it kind of drops down. You had a little spike up there in 2010, but it has been pretty low relative to those higher years.

Okay, so that was all of the indices that we had available to us. We hope that that was helpful for you, gives you some information on at least the last couple of years. But a couple of things from the TC, we wanted to highlight that these indices do not provide a comprehensive picture of juvenile abundance along the coast. They are very specific and particular seine surveys. If anyone is familiar, you kind of roll up to a beach

and it's a very small sample in a very specific area.

I have to assume that most of them are all fixed station surveys. This is not a comprehensive picture of juvenile abundance. There is a reason why we do big complex stock assessments; you can kind of synthesize a lot more information to give you a clearer picture.

As a result of that, the TC is not able to provide a very direct statement on recruitment in 2015, nor are we able to predict the magnitude of the young-of-the-year population in 2015.

There were some blips up on 2014, 2015, but how that ends up translating into the population, you need to run a stock assessment to determine that. That is all I have on that, and I am happy to take any questions. I've got a couple other slides, but I can just pop them up if the information is asked for as the deliberations start.

CHAIRMAN BALLOU: Questions for Jason. Yes, in the back.

MR. ANDREW L. SHIELS: Yes, thanks, Jason, for your presentation. Did you graph all of those individual indices onto a single graph?

MR. McNAMEE: No, we did not.

MR. SHIELS: Could you draw any conclusions from any trends that you saw from those individual states indices?

MR. McNAMEE: Yes, as far as what the indices were doing, there is certainly a block to the north where you had kind of consistent signals in that early 2000 period, and then at the tail end you had what looked like a pretty healthy recruitment event. I will offer that the signal is from Connecticut and Rhode Island. While we think they're great and the biggest states in the nation, they are in fact a very small area along the coast. There is a northern signal there in the most recent years, but when you go to the

south, that signal was not as clear, or there at all.

DR. WILSON LANEY: Jason, does the Technical Committee -- have you all looked at the estuarine areas that constitute nursery area for menhaden; and can you give us a sense of where most of those lie geographically? I mean, you just referenced the fact that some of the areas up north where we're seeing a strong, positive signal or relatively small. I'm guessing that areas like Chesapeake Bay and Pamlico Sound, Albemarle Sound would be much larger in extent. Historically, where does most of the recruitment come from; geographically, I guess, is what I'm asking.

MR. McNAMEE: I would suggest that in general what is believed, it is sort of recorded in most of our stock assessment reports and things like that. The southern areas; Chesapeake Bay, North Carolina areas, those are, I believe to be, certainly spatially larger than the estuaries to the north. But those were areas that were believed to produce the most menhaden. That is kind of the answer to your question.

Just to offer a little more insight into what it looks like in the northern areas, so the Rhode Island survey, that is Narragansett Bay; small estuary in the north. Then you've got the estuaries of the Thames and the Connecticut River within Long Island Sound is where that other information was coming from.

New York, that Western Long Island Sound Seine Survey that is kind of tucked in, I think it sort of straddles that Hudson area both inside Long Island Sound and just outside. But again, when you put those in the context of something like Chesapeake Bay, they are all very small estuaries.

DR. LANEY: Follow up, so looking at the Chesapeake Bay Index that you showed for Maryland, I think, and looking back into the seventies and eighties, and seeing bars that appeared to be considerably taller than those

that we have today; and trying to put that in context of statements to the effect that the stock is in really good shape.

It appears that, historically, there was a much higher level of recruitment. Does the TC have any thoughts on those historic levels of recruitment versus today's levels of recruitment versus the present SSB? Are we not seeing the positive signal that we should see in those much larger southern estuaries, relative to what the present spawning stock biomass is; and again trying to put that in some sort of historical context here.

MR. McNAMEE: I'm not going to go too far down that road. We had a lot of discussion on that during the stock assessment discussion. I think your observation that the recruitment in that very important estuary in the Mid-Atlantic has been low. That is certainly talked about a lot. But there are different signals in some of the other estuaries up and down the coast, and it depends on the year, as well.

MR. WILLIAM A. ADLER: It is curious that the northern ones are tending up. As you just said, they are not a big area like they are down further south. Further south, they all seem to be just sort of there, they are not going up at all. I wonder why. Are the northern statistics that you get that show that they're up in Connecticut and Rhode Island like a fluke (and I don't mean summer flounder). Is that like a fluke issue, because it wasn't there before? Any reason why it would be better up there than down Mid-Atlantic?

MR. McNAMEE: It's a great question, probably a million dollar question. We've seen this variability through time though where I can speak directly about Rhode Island where we get these big pulses of peanuts in Narragansett Bay. It happens one year, two years and then they kind of disappear.

You actually see that in the information. Why that happens, the environmental conditions line

up, and these environmental conditions can be all sorts of things; wind currents advecting eggs into the bays, temperature. Whatever it is -- a fish passing by at just the right time; there are probably a million variables there. But it is not an uncommon thing. It happens periodically, and you can sort of see that in the time series.

CHAIRMAN BALLOU: Any other questions for Jason? Yes, Rob O'Reilly.

MR. ROB O'REILLY: I certainly understand your last slide about the Technical Committee talking of being limited, and this dataset really is limited as well. I don't know the machinations of the Beaufort Assessment Model, but you do. My question is, based on what the benchmark did, how would you characterize these surveys that you just presented in terms of their impact on the status of the stock; and that might be a tough thing to think about without everything available to you? But nonetheless, I want to ask that question.

MR. McNAMEE: I appreciate the question; I'm going to dance around it a little bit. I hope you don't mind, because I don't know the answer. In fact, there is a multi-layered approach to how that information even goes into the stock assessment. We do a hierarchical model on all of the juvenile abundance indices.

Then they kind of go in as an aggregated index. There is no way to be able to predict just by looking at some information, some noisy information in some cases, how it's going to translate into population information out the end of the pipe. It is nothing I can even conjecture about.

CHAIRMAN BALLOU: Rob, quick follow up.

MR. O'REILLY: Very quick. In the BAM model, there is a weighting scheme as well for these indices.

MR. McNAMEE: That's correct; there is a Bayesian Hierarchical Approach that weights them based on their variability.

CHAIRMAN BALLOU: Any other questions? Seeing none; thank you, Jason, appreciate the report and the responses to what were a series of good questions.

#### **CONSIDER POSTPONED MOTION TO SET THE 2017 TOTAL ALLOWABLE CATCH**

CHAIRMAN BALLOU: Okay, now it is time to pick up where we left off on the setting of specifications for the 2017 fishery. Let me attempt to set the stage and go so far as to offer a recommended strategy forward.

From a parliamentary perspective, the board may proceed today as it sees fit. The board may propose amendments to the main motion and such amendments may be different than or identical to the amendments offered at the last meeting. That said, because this matter was vetted extensively at our last meeting, I suggest that it would behoove the board to avoid retreading the same bumpy ground that we covered in August, and focus instead on reaching a final decision tout suite, or at least touter and suiter than attempted in August.

Allow me to offer a recommended strategy that I think can get us to a final decision today, in a way that is both fair and direct. Fair in that it will enable all board members to cast votes that are generally consistent with their perspectives on what the 2017 TAC should be, and direct in that the final decision can be reached via three votes. My strategy is based on the recognition derived from the discussion, motions and votes taken at the August meeting that the board essentially has three options.

The first is a relatively large increase to the TAC, the second is a relatively modest increase to the TAC, and the third is status quo; that is maintaining the 2017 TAC at its current level. The distinction between a large and modest increase can be parsed ad infinitum, as revealed at our August meeting. But I sense that there is

little interest in reengaging in such parsing today. I would like to proceed as follows:

We will start with the main motion, which I would like to ask staff to put back up on the screen, from our August meeting; that is the proposed 20 percent increase. Based on the discussion, motions and votes taken at that August meeting, it seems evident that the board views 20 percent as a relatively large increase.

I will reopen board deliberation on the issue momentarily, by entertaining a motion to amend. If anyone on the board wishes to move to amend, by proposing a relatively modest increase to the TAC that is something less than 20 percent, I would welcome that. If such a motion is made and receives a second, I will afford some brief, very brief discussion, and then we will vote on the motion.

That vote should be viewed solely as a vote on whether the board supports a relatively large increase, or a relatively modest increase to the TAC. If the motion passes it will become the main motion, if it fails the proposed 20 percent increase will remain as the main motion. Regardless of the outcome of that vote, I will then entertain another motion to amend.

If anyone on the board wishes to move to amend by proposing status quo; that is a zero increase to the TAC, I would welcome that. If such a motion is made and receives a second, I will allow for some additional brief discussion and then we will vote. That vote will be a straight up or down vote on whether the board supports increasing the TAC or not increasing the TAC.

If the motion passes, it will become the main motion. If it fails, the proposed 20 percent increase will remain as the main motion; and at that point, I will be very inclined to entertain a final vote on the main motion, whatever that may be, and then we will be done. I do not intend to provide for any additional public

input, since we had extensive input on this same matter at our last meeting.

Now, if any board member wishes to pursue a different course of action, for example, by moving to amend in some other way; that can happen, and the process can go on, and on and on. But my hope is that the board will see fit to proceed in the manner just described. With that, and with the main motion up on the screen and back before the board, I will now entertain a motion to amend. Dr. Rhodes.

DR. MALCOLM RHODES: Thank you for all the information earlier. **I move to amend the motion to set the 2017 coastal total allowable catch for Atlantic menhaden at 200,000 metric tons**, and if I get a second, I would just like to speak briefly.

CHAIRMAN BALLOU: Moved by Dr. Rhodes and seconded by Terry Stockwell. Dr. Rhodes, let's make sure we have the motion up correctly, and I would be curious and I think it might be helpful to know what percent increase that 200,000 metric ton represents. I don't know if Megan has that immediately available. Maybe we'll get to that after you present your comments; Dr. Rhodes, to you.

DR. RHODES: Since we're in Maine, I will try to follow our late leader George Lapointe's brevity being next to cleanliness, being next to godliness remarks. At the last meeting we had very good discussion with the pros and cons of remaining at the status quo or raising this. This small tyrant fish obviously creates a lot of emotion in people. We went through a series, just to remind the board very quickly, of not voting for status quo, 1 percent, 5 percent, 10 percent and 19 percent increases.

During the course of those actions between the 5 percent and the 10 percent there seemed to be a shift in several of the states, which made me believe that if we had a removal that was somewhere in that area; and 200,000 metric

tons is 6.5 percent. That seems to be an area that most of the states could work at.

It is not going to be what some states want, and it's obviously not what other states want. But of necessity, we must create a TAC for this species. As Mr. Goldsborough very well pointed out at the last meeting where we got to this point, as we're trying to get to Amendment 3 and to get to the multispecies, we created a two-year TAC and we had no fallback position at that.

If we did not create a TAC at this meeting, it is undefined, which to me means unlimited. It's my hope that we can support this motion, go on to Amendment 3, and then as we were informed earlier, over the next two or three years be able to look at this, instead of a single species fishery, a multispecies fishery.

CHAIRMAN BALLOU: I'm game to take some very limited discussion on this. My preference would be two who are opposed to the motion, and another who would be in support. We just heard from the maker of the motion. I would not like to see by a show of hands, is there anyone who would like to speak in opposition to the motion? I would like to just take two. Who might be the lucky two? If not, I would be game to take another comment in support of the motion, and I would just like to take one additional comment. Terry, you were the seconder, so the floor is yours.

MR. TERRY STOCKWELL: I surely appreciate the approach that you've taken to the board today. I think we have a good chance of getting through the afternoon. But like most everybody else around the table, I lost track of the number of motions we made in August. But my sense is that the motion on the board of 6.5 percent is a workable compromise to move us ahead in 2017.

While this percentage or any other increase in the quota does absolutely nothing for the state of Maine, it modestly acknowledges the current

status of the stock while we focus our collective time on the development and implementation of the much needed reallocation of the menhaden stock in Amendment 3, so I strongly support the motion.

CHAIRMAN BALLOU: I'm inclined to take just a couple more comments on this. I did see Michelle's hand up and I saw one other hand up. That would be Rob. I'll take those two comments. I would then like to have this voted upon, and then there will be an additional opportunity for comment, if and when there is a subsequent motion, which I anticipate there will be; so for now, Dr. Duval.

DR. MICHELLE DUVAL: Thank you, Mr. Chairman, for allowing me the opportunity to speak. I will be brief. I am speaking in support of the motion. I will note that there has been a lot of conversation about this back home, and for the record, I would like to note that the department does support an increase of up to 10 percent for the 2017 TAC.

MR. O'REILLY: I would say the comments of Malcolm were very good, and Virginia is not alone, there are some states that are before now looking forward to having the baseline where it really was before the 20 percent reduction. However, I think there is an acute awareness of everyone looking down to Amendment 3 and that process. With that, Virginia does support the motion.

CHAIRMAN BALLOU: With that, I'm going to call for a vote on the motion to amend. It has been requested that every vote on these proposed amendments shall be roll call votes, so I will be calling upon Megan momentarily to call the roll. Keep in mind that there will be an opportunity, I'm just reiterating now, immediately following this vote to offer a status quo proposal.

Therefore, this vote should be viewed solely as a reflection of the board's preference for either a relatively large increase to the TAC reflected by a no vote on the motion, or a relatively



Proceedings of the Atlantic Menhaden Management Board Meeting October 2016

modest increase to the TAC reflected by a yes vote on the motion. I'll allow for a 30 second caucus. Okay, is the board ready? If so, I would like to have Megan call the roll, going south to north.

MS. WARE: Florida.

MR. ESTES: That surprised me. Yes.

MS. WARE: Georgia.

MR. PATRICK GEER: Okay, that threw us for a loop. Yes.

MS. WARE: South Carolina.

SENATOR RONNIE W. CROMER: Aye.

MS. WARE: North Carolina.

DR. MICHELLE DUVAL: Yes.

MS. WARE: Virginia.

MR. O'REILLY: Yes.

MS. WARE: Potomac River.

MR. KYLE SCHICK: Yes.

MS. WARE: Maryland.

MS. LYNN FEGLEY: Yes.

MS. WARE: Delaware.

MR. ROY W. MILLER: Yes.

MS. WARE: Pennsylvania.

MR. LOREN W. LUSTIG: Yes.

MS. WARE: New Jersey.

MR. RUSS ALLEN: Yes.

MS. WARE: New York.

MR. JAMES J. GILMORE: Yes.

MS. WARE: Connecticut.

MR. DAVID G. SIMPSON: Yes.

MS. WARE: Rhode Island.

MR. ERIC REID: Yes.

MS. WARE: Massachusetts.

MR. ADLER: Yes.

MS. WARE: New Hampshire.

MS. CHERI PATTERSON: Yes.

MR. STEPHEN TRAIN: Maine votes yes.

MS. WARE: NMFS.

MR. DEREK ORNER: Yes.

MS. WARE: U.S. Fish and Wildlife.

DR. LANEY: Yes.

CHAIRMAN BALLOU: **The motion passes unanimously; it now becomes the main motion.** Would anyone else on the board like to offer any other motions to amend? Bill Goldsborough.

MR. WILLIAM J. GOLDSBOROUGH: Anticipating this opportunity, I didn't raise my hand a moment ago. I feel like maybe I should have. **I would like to, for consideration of the board, offer a motion to amend to set the 2017 coastal total allowable catch for Atlantic menhaden at the current level, which I believe is 187,000 metric tons.**

CHAIRMAN BALLOU: Yes, we'll put the exact number up, but I understand the nature of your motion is a motion to amend to keep the 2017 specification at status quo, the current level. Is there a second to that; seconded by Ritchie

White. Bill, would you like to speak to your motion?

MR. GOLDSBOROUGH: Yes, thank you, Mr. Chairman. We should not be at this point, is the first thing I want to say. It was not our intent. The current science before us is the benchmark assessment reported to this board a year ago in the spring. At that time we deliberated long and hard, and we took action. We took two primary actions, the first one was we increased the quota for 2015 and 2016 by 10 percent. The second thing we did was we decided to develop a new plan, Amendment 3, to take effect in 2017.

There was a sequence in mind there. It had two major elements to it that addressed two major problems that we knew we had. The first one was the commitment that this commission made 15 years ago to account for menhaden's ecological role. That would be done through the development of ecological reference points, to be adopted in Amendment 3.

The second was to revisit allocation, because as we have experienced, since the quota was put in place in 2013, we either chose the wrong baseline period, we didn't have enough data in some states; or whatever the reason. We know that a number of states were shortchanged, and that caused a lot of problems.

Many states, we want to address those problems any way we can, I understand that. But later last year, actually with that in mind, we considered that we had a socioeconomics study we were undertaking to inform that decision making in Amendment 3. We realized at the annual meeting a year ago that that was going to take us a year.

We decided that it would be better to have that in hand when we have the discussion of a new allocation framework, and so we pushed back the timeline for Amendment 3 by a year to 2018. That just by chance, opened up next year, 2017 as a year that we had not specified

would be at the same quota level as we had set for 2015 and '16, and I think that was just by chance.

I think our intent all along was to keep the quota at that level after we had fully vetted that assessment and decided a 10 percent increase was appropriate; keep it at that level until we adopted Amendment 3. I think we should stay that course. I think that is good management. I know that we do want to address the shortfalls in the bait industry. To me, that is one of our highest priorities, especially in the small scale states; and that's most of us.

I don't think, by increasing under the current allocation framework, we're going to do much toward that end. I don't think we're going to make much difference. Instead, I think what we're going to do is preempt what progress we could really make under a more fair and balanced allocation framework in Amendment 3.

I would urge us to keep that in mind and wait; keep our powder dry. I would also like to say that a lot of people are distilling down the circumstance we're in right now as being one in which the science recommends an increase. One speaker earlier actually even said the TC recommended an increase, and I think that's in error.

The TC did projections for us to inform our decision making on an increase, and they are pretty compelling projections, I have to admit. But we need to keep in mind; they are based on that same assessment. They aren't new science, they're based on that assessment that we've already made a judgment on and the reference points in that assessment.

Those reference points are single species reference points. They do not take into account all the needs of the ecosystem the way we want to do in the ecological reference points. In fact, a year ago at the annual meeting, we considered a motion to divert from the course

of Amendment 3, and undertake an addendum to make those reference points the ones we would use going forward. We voted that motion down. We decided to stay the course at that point, because we did believe that it was the best way to address those fundamental problems that we have.

Ecological reference points to deal fully with the issue we committed to 15 years ago, and a new allocation framework that would be fairer to all the states, especially the small-scale-bait states where there really is a need. At this point, this accidental circumstance we find ourselves in, in which there is a lot of talk about how there are more fish out there, and it seems like there are. But that is not science. That is not a survey that is verifying that; that is anecdote, very compelling, I would admit.

But this commission has always shied away from making management judgments based on anecdote; always. That goes way back. With respect to the needs of certain states, we've been trying to meet those over the last couple of years with some sharing of quota between the states, with the episodic event option. I would hope that we could just go one more year getting by doing that and have a real thorough resolution of these issues, the way we set out to do just last year, and not make a decision now based on, to overstate it perhaps, anecdote and expediency.

CHAIRMAN BALLOU: A show of hands those with a burning desire to speak in opposition to the motion. I'll take those five comments. Actually, leave your hands up, Megan can you note those, please? Keep your hands up, I'm going to take those five, and then I'll take four others who would like to speak in support; Nicola, Andy, Wilson and Robert. Let me go back to in opposition. Who was in opposition? We'll start with Bill Adler.

MR. ADLER: I speak in opposition to this proposed amendment. I'm looking at a lot of issues here. First of all, the science basically has

said there is no risk. Science says the stock is in good shape. Sometimes I find it difficult that we can deal with overfished, overfishing; we can do a very good job of cutting things down.

Then we have a success model and we don't know what to do with it. We can't deal with success, maybe. Now I agree that Amendment 3 is necessary and needed and should be done; but not until 2018. Meanwhile, what is being proposed here is a small increase, and I don't see the problem with the stock. I don't see the problem with bumping it up; similar like the 6.45 percent. I wouldn't go hog wild. I wouldn't go to 20.

But the 6.45 shows that the stock is okay, it's good. We have success. It won't help Massachusetts very much if we do go up, but still. In fairness to the entire menhaden system, I think that it deserves to be able to be bumped up a little and then when Amendment 3 comes through, we could do other types of changes. But waiting until 2018 to do anything, I don't think it's necessary for that. I'm in opposition to this particular motion to amend.

CHAIRMAN BALLOU: Next, I have Andy Shiels.

MR. SHIELS: I'll be very brief. When you think about this as an investment in the environment, and as an investment in the ocean, it is the investment in the communities up and down the coast. It is an investment in the folks who have never seen menhaden in their waters at the extreme ends of the range. When you make investments, any wise investor has a nest egg or has a principal; you do not spend your dividends on your principal the first year they get dividends. Most people with a wise investment strategy take their time, they look at the long view, and they reinvest those dividends. I think all that's being asked here is to reinvest the dividends of what looks to be a year of some increased abundance of menhaden into the long term picture.

I wasn't here when you created the plan and the process you're working on now, which is a three-year plan in the process. You set forth on a process, what is the urgency to depart from that process all of a sudden so you can spend your dividend? I think we're talking about success. Your best chance of success of making that plan that you've put forward happen, is to ensure that you give it the time to build the stock; which is what you're doing right now.

You're going to have a good stock to work with to set your ecological reference points, and to reset your allocation process. You're going to have a bigger pie or a bigger pot when the reallocation discussions happen in a year or so than you will now. You won't have lost the ground that you've gained in the past year or two, when you get into that ERP process and the reallocation process. I guess to summarize, I would say have patience, you put together a good plan, stay the course and allow your investment to pay off when the time is right.

MR. ADAM NOWALSKY: I'm going to briefly speak in opposition to the motion to amend. I'll start by beginning with Mr. Goldsborough, our recent Hart Award recipient, in agreeing with him that we don't respond anecdotally, we respond based on science. Going back to our last meeting, the question was asked of the TC Chair, can you let us know when the last time every run you did for a species generated a 0 percent chance of overfishing?

The answer from our Technical Chair was, I think the answer is I don't know that I've ever experienced that personally. Responding to the science here would be an increase. Now, I'm also going to have to take the opportunity to disagree with the assertion that we are debating between a moderate increase, because what we're really looking at here is a relatively small number.

A large increase would be the 40 percent number that still generates 0 percent probability of overfishing. A moderate increase

would be the 20 percent number we started the discussion with; 6.45 percent is a very small number; and I encourage this body to vote against the motion to amend and vote in favor of the motion that is the original motion at this point.

MS. NICHOLA MESERVE: Consistent with the remarks of Dr. Pierce at the last board meeting, DMF continues to prefer status quo for the menhaden TAC for next year; a couple reasons: As already stated by Bill Goldsborough, we prefer to have the TAC reevaluated in light of the 2017 stock assessment and also paired with possible reallocation in 2018.

The 10 percent increase was already based on the 2015 assessment results at a terminal year of 2013. The Technical Committee hasn't been able to provide us with clear guidance on the juvenile recruitment since then. In Massachusetts, we see that menhaden are still regaining their full range.

While there were reports of menhaden being more abundant south of Cape Cod; that was not uniformly so north of Cape Cod, and only for one year. The TC may have demonstrated that there is no coastwide risk of overfishing from the analyzed options, but there may be a regional cost in the northeast of increasing exploitation, given our geographical position in the species range. A wide age structure and a high population size promote the migration of menhaden to New England waters. Again, we prefer to stay the course for 2017 and wait until 2018.

CHAIRMAN BALLOU: Next, I have Kyle Schick.

MR. SCHICK: The history that was given earlier was a little brief. We need to really go back to where we needlessly cut 20 percent on bad science; on a kneejerk reaction that was motivated by politics. That is where it really starts, and then we get good science and we bring back 10 percent; which was still way lower than it could be.

The rumors of increased stock and juvenile increase, it is not being overfished. It never has been overfished. Overfishing has never occurred since we've been talking about this. No other stock have we ever talked about, have we had the luxury of complaining about trying to reduce mortality on a fish that is not being overfished and overfishing has not occurred.

We're arguing about something that doesn't occur here. Multispecies, hopefully we'll get that in 2018. We don't know what's going to come. We're going to put out two different multispecies scenarios, along with the single species scenario. We're going to put it out to public. To hear some people in this room, it is a foregone conclusion that we're going to have to decrease the TAC for multispecies approach. We don't know that.

We have no science that says that. TAC is what we can do today with the information we have today, which is the best information we've had on menhaden in the history of tracking it; and a 6.5 percent increase is miniscule. I agree, we should be up to 10 percent or 15 percent, and we could solve everybody's problem. But we've come to the point where we'll hopefully be able to compromise on a 6.5 percent and help some folks out, get some more fish; and see how things go for next year. That is what we should be doing, and I am not in favor of this motion, for sure.

DR. LANEY: I certainly support the comments by Mr. Goldsborough, by Mr. Shiels and Ms. Meserve. I would encourage us to think about the fact that we're not just talking menhaden here, we're talking an entire ecosystem; and while we don't have all the insights we would like to have about the forage needs of the rest of the ecosystem for menhaden, I think we can all acknowledge that menhaden is one of the principal prey species that is used by other ASMFC and council managed species, such as striped bass; which is sort of our flag ship species, as well as weakfish, as well as bluefish.

If you think about that juvenile abundance series for the Bay that Jason projected awhile ago, and look at the 1970 and 1980 levels and note that there hasn't been an uptick in what is probably one of the principal menhaden nursery areas on the east coast, along with Pamlico Sound probably to the south. There have been some positive signals to the north, but we still don't see a positive signal in that southern area.

I also think about the fact that we have striped bass diseases that have manifested themselves in recent years; that we have striped bass that are showing lower condition factors than striped bass from a decade or two ago, and that we also have diet studies which show us that striped bass are now more reliant on smaller, less nutritious species like bay anchovies; as opposed to Atlantic menhaden. For all of those reasons, I think the prudent course of action is to maintain status quo until we get the results of the socioeconomic study, until we have generated some ecological reference points, until we get the results of multispecies modeling; so we have more information in front of us before we issue any increase in the TAC.

CHAIRMAN BALLOU: David Bush.

DAVID E. BUSH JR: No disrespect to the folks that have spoken before me, and I apologize, I'm coming into this after having someone that I replaced from your last meeting. I would like to point out that 2014, 2018 strategic plan identified eight values to guide this bodies' operations and activities, and I'd like to point two of them out.

Timely response to new information through adaptive management, I mean, you hear that constantly from fishermen; and also balancing resource conservation with the economic success of coastal communities.

While I can certainly appreciate the perspective of those in the farther reaches of this species

range, the effort in this fishery is and has been well below half, actually one quarter of its peak, for quite some time. I'm aware that it's a forage fish and not to imply that there was absolutely no impact by those peak levels of effort.

But we still have those that rely on it for forage, even after decades, almost a century even of a major reduction fishery. The stock appears to be expanding and that's a good thing for the ecosystem. I have however, not seen any scientific evidence presented at this point that even suggests that a reasonable increase would put this expansion in jeopardy.

What we do have is solid science that supports an increase of up to 40 percent. Of those that I have spoken to in order to better understand the viewpoints, it seems that there is substantial support for an increase; but it is the value of that increase that is in question. I feel that we should be discussing the scientifically supported impacts of a 20 percent increase.

But after having spoken to the fishermen and others in the industry, as well as those that generally do not support an increase, I think we could find a middle ground of sufficient support at the 10 percent level that accomplishes our goals. I understand that that is not your amended main motion up there.

But quibbling over the difference between 10 percent and 200,000 metric tons for the sake of having a round number is nonsense. We don't manage fisheries with a goal of having round numbers. That being said, we're still discussing a small percentage increase based on landings from a fishery that is a shadow of its former self, not a percentage of its peak harvest numbers; when dependent predators may have been impacted.

The best available science, which appears to be very solid, says an increase in this range is safe, and has a 0 percent chance of causing an overfishing situation. Why wait for it to be

addressed in the next action in some respect in Amendment 3, which is not expected to be effective before sometime in 2018?

Our fishermen want stability tempered with some level of adaptability. An increase at this point is scientifically supported and would by no means be a kneejerk reaction. Otherwise, when would the science ever be good enough to support an increase? The other argument concerning allocation is a completely different discussion that will be addressed. Keep in mind that the TAC is the TAC regardless of who catches it. Having to fight for every single point of a justified increase is disappointing, considering the commission stated values I mentioned earlier.

CHAIRMAN BALLOU: Remaining in the queue I have Rob O'Reilly in opposition, Robert Boyles in support; and there was one other hand that I had recognized in support, but I didn't get the name down. Is there someone else in support that had raised their hand who hasn't yet spoken? Then maybe I missed that. Let me go to Rob O'Reilly next.

MR. O'REILLY: I know we say we'll be brief, but I will be brief. It is my hope that we don't prolong this need for bait needlessly. It certainly should be all of our hopes that no one has been short changed. If you think about it, the actions of this board, which were very well intended back through 2010, 2011 leading up to 2012, certainly aren't at fault.

But everyone wants good science. We have good science. I contend that we brought this bait need onto ourselves with our actions, as well as the short change that is there. My desire is that we get back to the true baseline, the 212 plus thousand metric tons; and that really that is the status quo to me. That is really all I have, Mr. Chairman.

MR. ROBERT H. BOYLES, JR.: Many of you spoke to the board in making the original motion back in August. I will do my best not to repeat my

Proceedings of the Atlantic Menhaden Management Board Meeting October 2016

interest in a status quo, and my support of a status quo motion. I will say this is extraordinarily difficult. Mr. Chairman, thank you for the order within which you've brought us to these very deliberate discussions and conversations. I am going to go back to something that was said early on.

Clearly, a lot of people interested in this fishery, a lot of people interested in this resource, a lot of communities dependent upon this resource. My support for a status quo for 2017 really stems from a hopeful vision; if you will, Mr. Chairman. With Amendment 3 that we can have a fishery that satisfies bait needs, satisfies the important reduction fishery that satisfies the important ecosystem components of this fishery, and that has spillover effects to satisfy other species that are important to this commission.

I am a little concerned, I guess I'm risk averse in my interest in maintaining status quo for the moment, because I'm concerned that we, with a long view towards a final adoption of Amendment 3, that we may potentially find ourselves inadvertently into a game of regulatory whiplash. That's a phrase that has been used around this table more than once. I think status quo is a precautionary approach. I think it leaves us an ability to smooth out the bumps long term and the future of this fishery. For that reason I support the motion.

CHAIRMAN BALLOU: With that, I'm going to call for a vote on this motion. I'll allow for a one minute caucus. Okay, is the board ready to vote? Let's be ready to vote, and let me call for Megan to call the role moving north to south.

MS. WARE: Changing it up here. Maine.

MR. TRAIN: Maine votes no.

MS. WARE: New Hampshire.

MS. PATTERSON: Yes.

MS. WARE: Massachusetts.

MS. MESERVE: Yes.

MS. WARE: Rhode Island.

MR. REID: No.

MS. WARE: Connecticut.

MR. SIMPSON: Yes.

MS. WARE: New York.

MR. STEPHEN HEINS: No.

MS. WARE: New Jersey.

MR. ALLEN: No.

MS. WARE: Pennsylvania.

MR. LUSTIG: Yes.

MS. WARE: Delaware.

MR STEWART MICHAELS: No.

MS. WARE: Maryland.

MS. FEGLEY: No.

MS. WARE: Potomac River.

MR. SCHICK: No.

MS. WARE: Virginia.

MR. O'REILLY: No.

MS. WARE: North Carolina.

DR. DUVAL: No.

MS. WARE: South Carolina.

MR. BOYLES: Yes.

Proceedings of the Atlantic Menhaden Management Board Meeting October 2016

MS. WARE: Georgia.

MR. GEER: Yes.

MS. WARE: Florida.

MR. ESTES: Yes.

MS. WARE: NMFS

MR. ORNER: No.

MS. WARE: U.S. Fish and Wildlife.

DR. LANEY: Yes.

CHAIRMAN BALLOU: **The motion fails, 8 in favor, 10 opposed.** Therefore, the motion on the board remains the main motion. I am prepared to now call for a final vote on this main motion. If the board is comfortable with that, I would like to go right to that vote. I don't know if there is any need to caucus. **This would be the final vote on the main motion to set the 2017 fishery specifications for menhaden.** With that, I'll ask Megan to call the role and we'll go north to south again.

MS. WARE: Maine.

MR. TRAIN: Maine votes yes.

MS. WARE: New Hampshire.

MS. PATTERSON: Yes.

MS. WARE: Massachusetts.

MR. ADLER: Yes.

MS. WARE: Rhode Island.

MR. REID: Yes.

MS. WARE: Connecticut.

MR. SIMPSON: Yes.

MS. WARE: New York.

MR. GILMORE: Yes.

MS. WARE: New Jersey.

MR. ALLEN: Yes.

MS. WARE: Pennsylvania.

MR. LUSTIG: No.

MS. WARE: Delaware.

MR. JOHN CLARK: Yes.

MS. WARE: Maryland

MS. FEGLEY: Yes.

MS. WARE: Potomac River.

MR. SCHICK: Yes.

MS. WARE: Virginia.

MR. O'REILLY: Yes.

MS. WARE: North Carolina.

DR. DUVAL: Yes.

MS. WARE: South Carolina.

DR. RHODES: Yes.

MS. WARE: Georgia.

MR. GEER: Yes.

MS. WARE: Florida.

MR. ESTES: Yes.

MS. WARE: NMFS.

MR. ORNER: Yes.



MS. WARE: U.S. Fish and Wildlife.

DR. LANEY: No.

CHAIRMAN BALLOU: **The motion passes 16 to 2;** thank you very much. Good work on that, and I think we covered that issue well over the course of two meetings. Let's just take a two minute break to stretch, and then we'll come back and take on the Draft Amendment 3 PID; back in three minutes.

(Whereupon a recess was taken.)

**CONSIDER DRAFT AMENDMENT 3  
PUBLIC INFORMATION DOCUMENT FOR  
PUBLIC COMMENT**

CHAIRMAN BALLOU: I'm going to call the meeting back to order. We are on to Item 6 on our agenda, which is the Draft Amendment 3 Public Information Document, or PID. This is an action item. As Megan noted earlier, during her review of the timeline, the board is poised today to formally launch the Amendment 3 process via approval of this PID.

The board briefly discussed an initial outline of the document at our August meeting, and offered some preliminary comments. Additionally, the Menhaden Advisory Panel reviewed and commented on an early draft of the document, and some changes were made in response to those comments.

The Plan Development Team has done an excellent job pulling everything together, resulting in the draft that is now before us. Our mission this afternoon is to work through the draft and finalize it, so it can go out to public hearing over the next couple of months. For those members, who may not be familiar with the amendment process, the PID represents the first formal step in the process.

It is essentially a scoping document informing the development of the draft amendment, via public input on the options to be considered in

the draft amendment. In keeping with the purpose of Amendment 3, the PID essentially does two things; first it scopes a suite of potential tools to manage the menhaden resource; using ecological reference points or ERPs.

Second, it scopes a suite of potential options for reconfiguring the methodology used to allocate the coastwide TAC. Here is how we plan to proceed on this agenda item. Megan will first give a presentation, and answer any questions. It is about a 20 minute presentation, it runs through the entire document.

Jeff Kaelin will then summarize the AP report and answer any questions. I will then lead the board through the process of considering changes to the document. When we get to that point, I have some guidelines on the process I would like to follow for considering and approving changes. We have a lot to get through. We've got an hour and 20 minutes set aside to get through this, so with that lead in, Megan, the floor is yours.

**REVIEW OF MANAGEMENT OPTIONS**

MS. WARE: I will be going through the management options in the PID for Amendment 3. The Chairman actually did a really good job of going over what my first slide is here, but I'll just reiterate that the public information document is supposed to be a broad scoping document. The purpose of this is to announce the commission's intent to gather information concerning Atlantic menhaden, and to provide the public with an opportunity to identify major issues or management alternatives.

This is in contrast to the draft amendment, which is a bit more narrow and specific. I just wanted to kind of put that out there when we talk about how we got to where we are today on this PID. This is the timeline for the draft amendment. Again, I've already been through a timeline today, so I'm going to be pretty brief here. But we are considering this for public

comments. If that is approved, our public comment period would be from November, 2016 through January, 2017. Again, looking long term we're hoping to take final action on Amendment 3 a year from now.

Before you is a list of the issues currently included in the PID. Some of the names have changed, but the actual issues are still the same ones that were presented in August. My plan for today's presentation is to go through each one of these issues, kind of give a brief overview of why it's included in the PID, and then I'll go through the management options or public comment questions that are associated with that issue.

We'll start with reference points. The stock is currently managed by single species reference points from the 2015 stock assessment; and those were intended to provide a better measure of sustainability in the fishery. The board has expressed an interest in managing the Atlantic menhaden stock with ERPs; and currently the BERP Working Group is developing menhaden-specific ERPs, which will be peer reviewed in 2019.

There are also existing guidelines for managing forage fish species that the board can look to in their consideration here. We have the 75 percent rule of thumb, which recommends that forage fish populations be maintained at three-fourths of their unfished biomass levels. We also have the Lenfest Proposal by Pikitch et al. which recommends that F does not exceed one-half of natural mortality; and that fishing is prohibited when biomass falls below 40 percent unfished biomass.

We also have a third ERP that is included here. Between Jeff and I, we'll, hopefully, be able to provide a bit of context as to how this was added. But this was recommended on the advisory panel call for inclusion in the PID. The actual reference point is an F target to achieve a 75 percent unfished biomass, and that fishing is

prohibited when biomass falls below 40 percent unfished biomass.

We'll put some more language up there to further clarify that. But in the PDTs discussion of this, they decided to include it in the PID as another example of how forage fish can be managed. They also felt somewhere in the realm of the 75 percent rule of thumb and the Lenfest Proposal, so it was kind of in the range of where we were speaking.

Both Jeff and I will continue to discuss this, and we'll be able to answer questions by the board to provide a little more context on that. These are the current options for reference points. Option A is the single species reference points from the 2015 stock assessment. If the board decides to use this option, the board will direct the BERP to stop work on menhaden-specific ERPs.

Option B is to use existing guidelines for forage fish species. This could include something like the 75 percent rule of thumb or the Lenfest Proposal. Again, if this is chosen the board will direct the BERP to stop work on menhaden-specific ERPs. Option C and D are the board agreeing to follow the BERP in their menhaden-specific ERPs.

Option C is saying we're going to continue to use the single species reference points until those ERPs are developed by the BERP, and then Option D says we're going to instead implement existing guidelines for forage fish species; until those BERP ERPs are developed. Again, those existing guidelines can include the 75 percent rule of thumb, the Lenfest Proposal, or that new harvest control rule. Our second issue is quota allocation. Amendment 2 established a TAC for menhaden and divided this among the states.

In revisiting this allocation there are a couple of concerns that have come up. The first concern is that the current TAC may not strike a balance between gear types and regions. This has

posed a problem as we increase the TAC. This seems to have limited benefit for small scale fisheries. Another concern is as the stock continues to expand and grow, especially in the northeast; historical catch could limit states with minimum quota from participating in this growing fishery.

As a result, the board has stated an interest in exploring other allocation strategies, and in May, 2015 there was an allocation working group established to try and address some of these issues. The allocation options currently included in the document are from that workgroup. We have quite a few quota allocation options. The first is jurisdictional allocation, which would be our status quo.

Option B is jurisdictional allocation with fixed minimum quota, so an example here might be that each state gets 1 percent of the coastwide TAC, and then the rest is distributed. Option C is a coastwide quota. Option D is a seasonal quota, Option E is regional quotas, and we have sub options for a 2, 3, or 4 region split.

Option F is disposition quota, so that would be between the bait and the reduction fisheries. Option G is a fleet capacity quota, and again here we have sub options for a two-fleet or three-fleet option. I'll note here for the small fleets there is an option for a soft quota to try and provide a bit more flexibility to those small scale fisheries.

Intricately tied with the allocation method is the allocation timeframe. The question here is whether the current timeframe represents a fair and equitable picture of coastwide menhaden catch. We have three options here. Option A is our status quo, so that is 2009 to 2011. Option B would be to expand that to a longer time series.

That can include adding 2012 catch information or it can mean going back further in time to 2005 or 1985, so there is a large umbrella there of what that could mean. Option C is weighted

allocations. This tries to consider long term trends, as well as recent changes in harvest. Allocation would be weighted over two time periods.

Our next issue is quota transfers and overage payback. Amendment 2 allows for quota transfers among jurisdictions. Just as a practical matter, transfers are a very useful way to address overages in the fishery. However, the timing of some states may disadvantage them from being able to fully participate in this transfer process.

There are also no guidelines to what a state should do if they receive multiple requests at the same time. We can try and look to other FMPs to see what they do for these issues. If we look at some such as the black sea bass FMP, it allows for quota reconciliation; where if the coastwide TAC is not exceeded, state specific overages are forgiven. It also provides examples of what to do when the coastwide TAC is exceeded, and in that case if at least one state has an underage, then that state could transfer their unused quota to a common pool, and then that could be distributed to states with an overage. For this issue we have public comment questions, so I'm going to just read those off here. The four questions are, should the process for quota transfers be further defined or replaced with quota reconciliation? Should state specific overages be forgiven in years when the coastwide TAC is not exceeded?

If the coastwide TAC is exceeded, but at least one jurisdiction has an underage, should unused quota be pooled and distributed to states with an overage? Should there be accountability measures for a state which exceeds its quota by a certain percentage, or repeatedly participates in quota reconciliation?

Our next issue is quota rollovers. Amendment 2 does allow for unused quota to be rolled over into the subsequent year, if the stock is not overfished and overfishing is not occurring. However, the specifics of that program were

not defined in Amendment 2, and at the time of final action we weren't meeting those criteria.

However, from the 2015 stock assessment we now do meet that criteria, and so quota rollovers are allowed. However, those specifics were never defined. The board agreed to tackle this issue in Amendment 3. Again here we have public comment questions. We have three of them. Should unused quota be rolled over into the subsequent year?

If yes, should the amount rolled over be limited to a percent of quota? Should all sectors of the fishery be allowed to rollover quota? Our next issue is incidental catch in small scale fisheries. In August when I presented this, this was called bycatch. The PDT decided to make a conscious choice to try and use incidental catch instead of bycatch; and there were a couple of reasons for that.

The first is we felt that there were a bunch of different definitions of bycatch, and so we were getting a bit confused as to what we were actually talking about. Really the intent of this is for incidental catch, and so we wanted to try and represent that in the PID. That is why you may see incidental catch more frequently in this document.

Currently, under Amendment 2, all catch goes towards the quota before a state reaches that quota; but once you reach that quota, your directed fishery shuts down and we move into a bycatch fishery. Amendment 2 established a bycatch allowance of 6,000 pounds per vessel per trip for these non-directed fisheries.

There are a couple of concerns that have come up with this allowance. The first concern is that bycatch under this allowance does not count towards the quota, and so there is some concern that this could undermine the coastwide TAC that we set each year. There is also no definition of bycatch or non-directed fisheries provided; and so there are some

questions of who should actually be allowed to participate in this allowance.

It has also raised concerns that the bycatch allowance may be supporting a small scale fishery rather than incidental catch. There is also concern that the bycatch provision dissuades cooperative fishing. We tried to address this with Addendum 1, where we allowed two permitted individuals to land 12,000 pounds of menhaden.

However, there may be other ways to address this in a more holistic view through Amendment 3. Again here we're back to management options. Option A would be our status quo, so that is a catch limit per vessel. Option B is an incidental catch limit per permitted individual. The idea here is that this would try and solve the issue about cooperative fishing, because the catch limit would be per person rather than per vessel.

Option C is to have the incidental catch included in the quota, so incidental catch would count towards the quota, and once that quota is met no landings would be allowed. Again, the idea here is to try and account for our incidental catch in the coastwide TAC; so we're not undermining that value.

Option D is an incidental catch cap and trigger. There would be a harvest cap for incidental catch, and if that is exceeded by a certain percentage in one year or two consecutive years, then management action would be triggered to reduce incidental catch. Option E is that incidental catch be defined by a percent composition.

The amount you could land would depend on what else you're catching at that time. Then Option F is for a small scale fishery set-aside, so here a portion of the TAC would be set aside for gears participating in small scale fisheries. This is very similar to an option in the quota allocation issue.

But the reason it's also included under this issue is that regardless of what allocation method the board chooses, there is still an option for a small scale fishery set-aside to deal with some of the issues we're seeing in the bycatch fishery. Our next issue here is episodic events. Amendment 2 sets aside 1 percent of the TAC for episodic events.

Then we had Technical Addendum I, which outlined the specifics of this program and specified that participation in this program was for the New England states. Since 2013, we've seen an increasing amount of menhaden landed under this program, as well as increased participation from the states.

In 2014 only 8 percent of the set-aside was used. This year so far 92 percent of the set-aside has been used; also this year we had New York request and be approved, to harvest under the episodic event program, even though they are not technically considered a New England state. This has prompted questions about the size and the geographic spread of the program. We're back to public comment questions for episodic events. Our questions are, should a percentage of TAC be set aside for episodic events?

If yes, what percentage of the annual TAC should be set aside? If yes, which jurisdictions should be allowed to participate in this program? Does the episodic event program need to be reconsidered as the distribution of menhaden changes? How should states demonstrate that an episodic event is occurring in state waters?

Our final issue here is the Chesapeake Bay Reduction Cap. Currently, the Chesapeake Bay reduction fishery is limited by a harvest cap; and the intent of this harvest cap is to prevent all of the reduction fishery from occurring in the Chesapeake Bay, which is an important nursery ground for menhaden. However, the reduction fishery consistently underperforms this cap, and so it has raised questions to whether this is

really a vital tool to the management of menhaden. Our two questions are, should the Chesapeake Bay reduction fishery cap be maintained? Is it an important tool for management of Atlantic menhaden? With that, I'll take questions.

CHAIRMAN BALLOU: We're open to questions now, but if your questions have even a hint of a suggested change, I would ask you to hold the thought, because what we're going to do immediately following this question Q & A portion, is go back through the document section by section, and entertain any suggested changes.

#### **ADVISORY PANEL REPORT**

CHAIRMAN BALLOU: Right now, does anyone have any questions for Megan on her presentation, with the understanding that we're going to go back over this document thoroughly in a moment? Seeing no hands, we will move to the AP report on the PID; and I think Jeff Kaelin is ready to offer that.

MR. JEFF KAELIN: Good afternoon members of the Menhaden Board. I'm Jeff Kaelin; I work with Lund's Fisheries in Cape May, New Jersey. We are in the purse seine fishery for bait in New Jersey. Megan has done an excellent job of providing you with a written overview of the AP call that we had in October, actually I guess it was in September.

But she has also provided some slides, which I'm going to go through quickly; as quickly as possible, because some of the issues that were raised by the AP have already been addressed in the document. I'll try to blow through this quickly. We did have 14 AP members on the call, so we had a very robust discussion of a whole variety of issues that I think are captured in our report.

There was no discussion about preferred management alternatives at this time, and I believe that there will be another AP call prior

to your February meeting; when the AP will have an opportunity to review the PID hearing results, and provide another update to you. On the next slide, the stock status information, human use of menhaden, the balance of the discussion has already been addressed by Megan.

I think the scale of the fishery issue probably will be addressed with the socioeconomic report, which also will be before you in February, and probably with an opportunity for the AP to comment on that prior to your February meeting. The standards by which ASMFC manages the species are going to be included.

The next slide is on reference points. As Megan mentioned, there were at least two AP members who brought forward this additional option for consideration as one of the alternatives as an interim reference point. I believe it was Mr. Hinman and Mr. Paquette who advocated for this additional option.

The AP felt that it was appropriate to ask the PDT to evaluate its inclusion in the document. The reference for that option is included, Smith et al. There was some discussion about a manuscript in process by Hilborn et al, alternative to Pikitch that focuses more on the environmental linkages to recruitment for Atlantic menhaden or the forage fish.

Hopefully, that will be published before this process ends. On the quota allocation slide, both of these have been addressed in the PID. There were some language changes relative to the language concerning equitable balance between gear types and regions, which Megan commented on earlier; and the seasonal quota option is in the document. There was some discussion about the winter quotas value, and allowing sampling of the adult population perhaps. Then on allocation timeframe, there was a pretty good discussion about perhaps using a longer time series for the reallocation or the weighted reallocation down the road; and

there were two periods that were suggested, 2006 to 2012, and '85 to 2012 for analysis.

Hopefully, the board could agree to have the technical people look at those options. On quota transfers and overage payback, I think both of the issues on this slide have been addressed by the staff; and are reflected in the document. We appreciate that I think as an AP generally. Next slide on episodic events, similarly the first two bullets I think have been addressed by staff.

The third bullet was that perhaps a specific increase in the episodic event allowance of 2, 5, or 10 percent could be performed to determine whether the small scale fisheries needs could be addressed in that way. There is a similar option in the PID; I think that looks at things in that way. On the Chesapeake Bay reduction cap piece, what does this say? There has been an underperformance and some history of landings has been requested, although this is difficult because of the confidential nature of the data.

As far as other comments go, these are relatively minor. There were a couple AP members who thought a research program and priority portion should be a part of the PID. As the AP Chair, I would hope that you might add that; because I think we need to look down the road, so that the public and everybody has a better idea of what's going on out there, the best idea possible.

Then the second bullet has to do with an appendix table. I think the staff has addressed that as well. That is my report, and thank you, Megan very much for your summary. It has been very good working with her. Our AP is being reconstituted. I think you have several AP members to consider later. We appreciate that very much. That ends my report, Mr. Chairman.

CHAIRMAN BALLOU: Questions for Jeff on the AP report? Seeing none; I just want to say, I know I speak for everyone on the board in

thanking the AP for their engagement and very helpful contributions to the process; which I know are going to be continuing as we move through the Amendment 3 process, and thank you for your leadership, Jeff.

We are now about to open the floor to suggested changes to the document. To save time, if members have suggestions for clarifying language changes that are not substantive in nature, you do not need to get those on the record this afternoon. You can simply convey those to Megan, provided you do so by the close of business on Friday.

That's her deadline. She really needs to get this document finalized. If you just have editorial suggestions, non-substantive in nature; please get those to Megan. You don't need to get those on the record today. But you do need to get those to her by Friday. I'll just note that I have already availed myself of that option, by providing Megan with some suggested edits last week.

With regard to substantive changes, which we are now about to consider, Amy has been kind enough to offer to itemize the suggestions as they are made; by putting them up on the board. We'll seek to develop the list by consensus. If anyone is uncomfortable with a suggestion or has a different angle, weigh in and we'll work through it.

Once everyone on the board has had the opportunity to offer suggested changes, I'll take some public comment. Actually, I think I'll offer two opportunities for public comment. I think it might be easier to do it this way, one on the issue of reference points and then another on the various issues associated with allocation. At the very end I'll come back to the board for a motion and a vote. That is how I plan to proceed.

First, so we'll go section by section, we'll open up the floor to comments and suggested changes; and then move right through the document in the order that Megan had

presented. First, with regard to the introductory sections of the document, does anyone have any comments or suggested changes pertaining to the document up through Page 5; that is up to Issue 1, Reference Points, which we're about to take up?

Does anyone have anything that they would like to offer on anything up to the very first issue, so that would be up through Page 5? Seeing no hands, we'll move to Issue 1, Reference Points; suggested changes on that, Lynn Fegley.

MS. FEGLEY: I admit that I hesitate with menhaden. I'm not sure what qualifies as substantive. I hope this does, but if it doesn't, please stop me. In the option that involves the 40 percent unfished biomass, there is language in there that states that references the Pacific Fishery Management Council in sardines.

It says in parens, although it's not set at 40 percent of the unfished biomass level in that fishery, for the sake of the public, and if it were me reading this, what is that sardine fishery set at; and why are we choosing 40 percent? I just wonder if it wouldn't be helpful for the public to know. The way it's worded to me, may make that 40 percent seem arbitrary.

Unless it's in that Smith et al paper that's referenced, which it might be. I'm just looking for a little help for the public in understanding where that particular number came from, and how it might compare to the Pacific number; also, and maybe not necessary but interesting, how it compares to the menhaden stock status.

MS. WARE: I'll try and tackle that, Lynn. To the first question of what the sardine council is using, I don't know it off the top of my head, but I do know it's lower. I can add that to the document if you feel that would answer some questions that you think might be posed by the public. I'm happy to do that. In terms of where the 40 percent came from, it came from the Lenfest proposal. That is why that paragraph there is kind of talking about a combination of

the Lenfest proposal and the 75 percent rule of thumb.

MR. CLARK: Just kind of a follow up on Lynn's point. I was just wondering if, in the options themselves, it might be possible just to put in there what F we're looking at under some of these other guidelines, as compared to what our current single species guidelines are. I know you discuss it in the big intro to it.

But like a lot of people, I just started looking at the options. It would be hard for the public to tell by looking at the options what the F would be for going to the 75 percent rule of thumb. Just to have what the actual F would be in there, I think, would be helpful.

CHAIRMAN BALLOU: Duly noted, thank you. Additional comments suggested changes on the reference point portion of the PID. As you're thinking, or perhaps as we near a conclusion, I'll just note a thought that I had; and that is on Page 7, there is a fairly hefty paragraph that summarizes the BERP Working Group's review of the Lenfest related ERPs proposed by Pikitch et al. It is the response to the BERP Working Group offered by the Lenfest Forage Fish Task Force.

If the board is comfortable with that, I think there should be a very decent attempt to summarize the back and forth on the issue; so be it. But as food for thought, it occurred to me that the document could just say that the BERP Working Group issued a memo highlighting several concerns with the approach, and then site that memo that is in the appendix.

It is in now, and it would remain in. Then say that the Lenfest Task Force subsequently responded to the TC memo, and then site that response in the appendix; where it currently is, and leave it at that. In lieu of attempting to summarize the issues and the positions of the TC and the Task Force relative to them, just essentially let the memos speak for themselves. Again, just a thought, I don't feel particularly

strongly about the issue one way or the other, but I just wanted to float the thought, for what it's worth.

It just sort of struck me that it was a decent attempt to summarize an important issue. If the board is comfortable with it as proposed, fine, I just wanted to let you know that had been something that occurred to me. I'm not offering it as a suggested change. I'm just offering it as a thought that I had when I read through the document.

Are there other thoughts, either in response to that comment or on any other issues under reference points? If not, I'll go to the public now. Does anyone from the public wish to comment on any of the issues in the PID that relate to reference points? This is going well.

Back to the board, and we'll move on to Issue 2, and that is Quota Allocation. We'll go through these one by one. Well, Quota Allocation is Issue 2, so I'm sorry, I got ahead of myself. Does anyone have any suggested changes pertaining to that issue? Yes. Terry Stockwell.

MR. STOCKWELL: First, a question and then a suggestion. Has there been any discussion about an RSA with the working group under the quota allocation section?

MS. WARE: As far as my knowledge on the working group's discussions, I didn't see one on that; and the PDT did not discuss one.

MR. STOCKWELL: Well, pending discussion of the board, I would be interested in consideration of an RSA option. The second issue is under the fleet size composition and the fleet capacity quotas. I want to note in Maine that Maine has several small capacity purse seiners; they are not large capacity, so you have a list of smaller gears. There are at least two of them here today. I would request that small capacity purse seiners be considered as an option, as well.

CHAIRMAN BALLOU: Duly noted. Yes, Dr. Duval.



DR. DUVAL: Just in the preamble to the quota allocation issues, it is the last paragraph on the bottom of Page 9; where it's giving some examples of different types of allocation. It notes the golden tilefish fishery being allocated by gear type. That is specific to the South Atlantic, and it might be good to just note that; because it is an IFQ program in the Mid-Atlantic.

CHAIRMAN BALLOU: I'm sorry, what page were you on there?

DR. DUVAL: It's just at the bottom of Page 9; that paragraph that talks about the examples, just noting that for golden tilefish that is specific to the South Atlantic and Mid-Atlantic and is an IFQ.

CHAIRMAN BALLOU: Duly noted; additional, yes, David Simpson.

MR. SIMPSON: Just clarification on what Terry said. The notes I'm looking at, the small capacity gear is to be considered as an option. You were speaking particularly of small capacity purse seiners, right? We need that clarification.

MR. STOCKWELL: To that point, yes. On the three-fleet-capacity allocation, the small capacity fleet not limited to cast net, trawl, trap pot, haul seine, fyke net, hook and line. There are small capacity 35, 40 foot purse seiners as well.

MR. SIMPSON: Okay, that's great, and the added clarity of it being a 35 to 40 foot boat helps me a lot to understand it as a small capacity gear.

MR. STOCKWELL: Not necessarily limited to that, but 40 foot range, yes.

CHAIRMAN BALLOU: Dave, do you want to offer a thought on what you would like to see in terms of maybe some clarification?

MR. SIMPSON: Yes, it would be helpful to me to understand what is meant by a small capacity purse seine, because it is sort of, with my limited background in that fishery, a contradiction in terms. But I understand in Maine those exist. Maybe you could put some sideboards on it, whether it was now or later. But a tonnage capacity or something of that nature, I think would help the PID a lot.

MR. STOCKWELL: I feel more comfortable about talking with our industry and getting back to Megan with an answer to that, and the board can review it at our upcoming meeting. Likewise, a medium capacity fleet, we do have some large seiners, but they are not on the scale of the reduction vessels.

CHAIRMAN BALLOU: Additional comments, thoughts. Yes, Rob O'Reilly.

MR. O'REILLY: I provided Megan with what may be an additional quota allocation option. But of course, we need to talk about it, if Megan can place that up there for everyone to look at, that would be great.

CHAIRMAN BALLOU: I think she's working on that as we speak.

MR. O'REILLY: In the meantime, I'll just say that when you look through the allocation options, they are all mechanistic. Option F, disposition quotas talks about the split between bait and reduction a little bit; Option G, the fleet capacity quota speaks to the idea that it can be used to allocate to different sectors, but there is not really an indication of what triggers these allocation changes.

What I have up there is the idea that there has to be some variable allocation issue included. In other words, it's based on the quota itself. As you heard me earlier, I hope it is not just my thought, but the 212,500 metric tons really is looked at as the starting point. The reason for that is that when allocation came about and was passed, along with the 20 percent

reduction, it was in a manner different than some other allocation schemes.

Usually, when you have an allocation situation, you have at least time for states to start limited entry proposals. Of course, with menhaden some states do already, some states don't. What that did was it really induced the short changing effect that was mentioned earlier, and in another sense it also didn't really look at the capacity down the road.

In general, what this item will show is that there is a way that, depending on the strength of the quota, the magnitude of the TAC that the allocation to different sectors, whether it be bait or reduction or regional or in whatever manner, should be influenced by that magnitude of reallocation. I think the public at least needs to see an idea of where this quota is possibly going to go? Where is the TAC possibly going to be distributed?

Now, granted, there may not be consensus on the middle there that you have to get back to where we were in 2012, before the 20 percent reduction to consider allocation, but I have to tell you when we had those numerous calls led by Robert Boyles on allocation, I think there were seven, he might tell me eight; I don't know. But the first call was involved with everyone trying to figure out the difference between allocation and reallocation.

I think Bill Goldsborough, who was on the call as part of the public, said let's not play with semantics, it is reallocation. But realistically, given the background of how this allocation came about, I think that probably we should build some biomass here, which we have, and from that we should build our TAC; which we have incrementally.

But not even to get back to where we have a slate that existed before all these reductions. Definitely take some comments on that; but I think there is some good information here about the public being able to see the various

ways that the TAC can be distributed, and it is a little less vague than perhaps Options F and G.

CHAIRMAN BALLOU: Thank you; let's leave that up on the screen. Does anyone from the board have any comments or concerns regarding the recommendation to add a new Option H, as indicated? I'll give you a minute to just make sure you've digested it. My understanding, Rob, is that this would be added to the document as presented here. This would be the actual language that would be inserted. It would be a new option, and that would be the clarifying language as indicated on the screen, in terms of what the option seeks to do.

MR. O'REILLY: That is correct; Mr. Chairman, and also Megan gave a little helping hand, because the original quota allocation scenario was confusing maybe to the public; in that it mixed up TAC and quotas, and I think that's been straightened out. This would be what is proposed, and again, it is a little different in that it talks about the magnitude of the quota and actions that might happen after that.

CHAIRMAN BALLOU: I don't see any hands going up, so we can come back to this, but for now, I'm going to ask Amy to pull this back and just add, as a bullet, a new Option H with the title that it had; and I actually forget what it said. But that will be a proposed addition; other thoughts, comments, Lynn?

MS. FEGLEY: Just going back to Terry's comment about the small capacity purse seines. There are a couple things that might be worth doing with that. One of them is in the document; Table 3 breaks down the landings by gear. I think one of the points of that table is to illustrate to the public the magnitude of the specific gears; you know, how much of the harvest that they are proportionately catching.

The purse seines are at 94 percent. Clearly, I would imagine that the Maine small capacity purse seiners would be lumped into that purse seine category, which makes it very hard. I

think it's going to be confusing. One thing, there are two ways, I think, that maybe could make this easier and get the board better input. In the description of the fleet capacity allocation option, it talks about the idea that you could define your small capacity fleet through trip limits. In other words, if you're a small capacity fleet boat, you're not harvesting more than 20,000 pounds at a shot; and I'm making that number up.

But one of the things maybe we could do is add into the public comment questions, what would be a suitable small capacity trip limit, in order to make sure that we are doing a good job defining that capacity; because I worry when we start overlapping these gears. I'm not arguing with Terry's point, I think it is going to start to get confusing. Maybe one way to get at that is just crystal clear, asking what we are talking about here for a trip limit.

CHAIRMAN BALLOU: That sounds like a good suggestion to me. Terry, does that work for you?

MR. STOCKWELL: I'm not sure yet. I don't want to lose sight of the fact that we have an effort that I don't feel is fully recognized in the draft document at this point.

CHAIRMAN BALLOU: Okay. Working through these issues, any other thoughts or comments either on what has already been discussed, or anything new under this issue? I'll just note that under the public comment questions, it struck me that we might have been jumping the gun a little bit in the way they were teed up.

If you move to those comments, I'm wondering if the board has any opposition to adding two additional questions, one at the very beginning, which would be should the board maintain or revise the allocation formula currently used to manage the commercial Atlantic menhaden fishery. It seems to me that is the first sort of open ended question, but it tees up well what follows.

Then as the last question, are there other options besides those offered in this document that the board should consider. Again, just really trying to make sure we've rounded out this very important issue. If there are no objections, I would like to suggest adding those two questions under the public comment questions portion of Issue 2. Is there anything else on Issue 2? Dave.

MR. SIMPSON: Following up on Lynn's suggestion, I thought that was a good one actually, just asking questions. When we say small scale, what do we mean? What is the public's perception of what is small, what is medium, what's large; so we get that out on the table and understand.

I think it is good to consider another type of gear that we haven't thought about, but I would need to know myself, is that a small scale gear that is capable of taking 100,000 pounds or 10,000 pounds? Does it meet my definition of small scale and my perception? I think they would be very helpful comments to add, or questions to add, rather.

CHAIRMAN BALLOU: Anything else? If not let's move on to Issue 3, Allocation Timeframe; comments, recommended changes to that? Yes, Jim Gilmore.

MR. GILMORE: As I was looking through these, in some respects it's hard to figure out if they're going to fix the problem or not. As I went through B and C, it kind of reminded me, for all you folks around, when we were doing spiny dogfish. We took different time series and we got into this little bit of a quandary.

Because some folks liked the early eighties, some folks liked the late seventies; because it all came down to what was giving them a better deal. The suggestion I have, and I'm not sure if there are problems with it to add an Option D, is why we couldn't use the most recent five years. I mean, we're looking backwards, and I

think where we want to go is to use most recent data.

Why we couldn't put in an option that we would use the landings from 2013 through 2017? Actually, I think part of the problem, at least for New York, was we weren't recording landings. We fixed that probably in 2011/2012, and I think the other states probably ramped up too, so that might give us a more accurate picture of what the actual distribution is.

MS. WARE: Jim, just a quick comment on that. We won't have 2017 landings finalized by the time we take final action on this. My guess would be the board would want to know what each states allocation would be; depending on which time series or method we use. We wouldn't be able to do that analysis for that option. Maybe 2012 to 2016, would that be okay?

MR. GILMORE: Yes, that would be fine. Whatever most recent previous five years we would look at which is the most recent data.

CHAIRMAN BALLOU: Just to state the obvious, those landings have been constrained by the state quotas. It is what it is, but I think as long as that's clearly stated in characterizing that option, I think it makes sense to me to offer it.

MR. GILMORE: Yes, I understand that Bob, but remember with the transfers we had you could probably get, even though you're constrained by those quotas, there still is a better picture of how much transferring was going on. It is just another option to give us maybe a better way to get out of the box, so we don't get back to spiny dogfish again.

CHAIRMAN BALLOU: I think it is a good suggestion, and I just think as long as that clarifying or explanatory language is added to help the public understand the context; that seems fine.

MR. MILLER: Just to add to that; by using that recent period it would also factor in the bycatch landings, which really should be considered in any quota reallocation.

CHAIRMAN BALLOU: Good point. I like that idea; yes, Emerson.

MR. HASBROUCK: To add to what Jim and Roy had said, I would say and in the bycatch numbers as well as the episodic event landings as well.

CHAIRMAN BALLOU: Yes, all duly noted. I actually don't see what's going on up on the screen, but I know Megan is writing everything down, and I know Amy is doing her best to capture the thought. But it all makes sense to me, so far.

MR. NOWASKY: Just as a general comment, I think that there are some great minds getting information out, and certainly, the public consumption element of it is important. But we're starting to add an awful lot that almost looks like the draft itself. I think one of the important things we want to make sure we do is leave open general comments, as we put in all these specific issues, options.

Sometimes it gets the public to key in, latch on to one of those options, and it doesn't generate the free thought that sometimes we can get out of these. I don't know how we encompass that. Again, I certainly don't want to dismiss the thoughtfulness that's going around, but I hear and see all these options that are being generated; and it's almost starting to look like the amendment itself to me. I just wanted to put that forward.

CHAIRMAN BALLOU: Sure, we could do a PID that just asks, what do you think we should do with menhaden? But no, I take your point. I think it is a point well taken, Adam. I didn't mean to be too facetious. I think the open ended questions are in here, but I take your point that they are followed by a bunch of

specific options. We need to be careful about making sure we've got the right balance between open ended questions that we really want to solicit good thinking and good brainstorming on, versus here is the limited number of options that you have to consider.

We don't want to do that. We want to make sure the public gives us all their thoughts on the full range of issues that they would like us to consider. I think it is a point well taken. If anyone has any specific suggestions for -- Adam, I'm not sure if that was just sort of a general comment, or whether you had a specific request to change something. I think your point is well taken. I'll just leave it at that. Jim.

MR. GILMORE: Just a quick clarification for Amy. It is actually adding Option D to that issue.

MS. FEGLEY: I still sometimes wake up in a cold sweat remembering the allocation conversation that we had in 2012, when we talked about the various reference periods that we could use. In that conversation in 2012, the reference period that we ultimately chose was justified in part by the quality of the data.

There was a lot of conversation about the fact that the data quality from earlier time periods just wasn't there. I just wonder if the document should speak to that a little bit, so the public isn't working under the assumption that all of those years are created equal in terms of the data quality. I mean, clearly, that was an issue for New York. It concerns me a little, but I just don't want to lose sight of that; because we did use it as justification for a reference period.

CHAIRMAN BALLOU: Good point, well taken. I would like to revisit just a quick Q & A which I had with Megan, just on the record. I'll make sure she's listening to me. I had asked her at the end of the first paragraph under Issue 3, there is a sentence that reads; regardless of the allocation scheme chosen in Issue 2, historic

landings will be used to allocate the TAC. I think my point blank question to her was what exactly does that mean? I would like to give her a chance on the record to answer; in terms of her interpretation, and then make sure the board is comfortable with that language.

MS. WARE: The question was added following the advisory panel call, during our call with the PDT. On the AP call there were some questions going back to the allocation method, there was a sentence that said there is concern that this is not a fair and equitable allocation method that we're currently using. There was some consternation over that sentence; especially the fair and equitable part.

Noting that we're using historic landings to allocate, how could that not be fair and equitable. We tried to reword that. But I think also try and address some confusion on what else would we use besides historic landings. At that point we were just trying to clarify that we are still using historic landings to set the TAC, regardless of the method chosen. It is just what method and what years we use.

CHAIRMAN BALLOU: I guess I'll just say that I'm trying to think that through and make sure it is reconciled with the ERP section of this. If the board is comfortable, fine. If not, I was just struck by the potential awkwardness of that sentence.

MR. G. RITCHIE WHITE: I guess I have a problem with that wording. I guess I would rather have maybe used something like in part, historic landings will be used in part, so it doesn't tie us to this process. If we figure out some new method we decide on, we shouldn't be locked in with that.

CHAIRMAN BALLOU: Ritchie has offered a suggestion that we amend that sentence to read, in part. We'll add that up as a suggested change.

MR. SIMPSON: Where is this exactly, so I can catch up with it.

CHAIRMAN BALLOU: I don't know if I have the right page. For me, I have Page 15, it is Issue 3. It is Page 13, Issue 3; Allocation Timeframe Background. There is a paragraph there, and the last sentence in that paragraph reads, regardless of the allocation scheme chosen. Do you see that now?

MR. SIMPSON: There were alternatives that would not require any historical basis. In other words, I think, in particular, the size of the fishery, small scale fisheries, medium scale fisheries, large scale fisheries, would not necessarily have to be history based. You could argue that a small scale fishery there is a cap at 2 percent. That is what we're picking and that is what will be allocated, and it will be shared among all the states that have small scale fisheries. It will get us out from under the concern that this or that state with their small scale fisheries didn't have proper accounting of landings. I would like to remove that sentence, because I think there are clear alternatives that don't require any look into history. I think we can do it without that.

CHAIRMAN BALLOU: We have a couple of suggestions, one would be to remove that sentence entirely; the other would be to amend it to insert in part.

MR. DAVID V. BORDEN: I would just like to go on record as supporting the comment that both David and Ritchie made. It may be more accurate if we said something like; historic landings may be used, depending upon the alternatives selected.

CHAIRMAN BALLOU: That sounds fine too. I find myself starting to wonder, what are we really trying to say, if anything, that isn't already evident in the document? I mean is there really a need to say anything? I'm leaning toward the sentence doesn't really need to be there. That is my sense.

Is there any strong objection to just removing that sentence, with the understanding that the options speak for themselves; in terms of whether they rely upon historic landings or not. It doesn't seem like there is any objection, so we'll remove that sentence. Other thoughts or any other suggested changes on Issue 3? I want to make sure I covered my own comments here. Yes that was the only one I had, so we're on to Issue 4; Quota Transfers and Overage Payback. Anything on that? Ritchie.

MR. WHITE: I don't have the document in front of me, because I don't have web coverage. The rollover provision, I would like to see something in there that a state would have the option to not have their unused quota rolled over; in other words, if a state wanted to be more conservative, and I would give the example of striped bass.

New Hampshire has a small commercial striped bass quota. New Hampshire chooses not to use it. We could allocate that to recreational fishing if we so desired, but we choose to not harvest it as a conservation measure. I think there ought to be that opportunity for the public to weigh in on that in this instance.

MS. WARE: Ritchie, maybe we could formulate that into a question, so if it were something like, should states be required to transfer unused quota to a common pool or could that be voluntary? Something along that line, would that be okay? Okay.

CHAIRMAN BALLOU: Other suggestions on this issue? Seeing none; we move to the next issue, which is Quota Rollovers. Any changes to the document on the issue of quota rollovers, seeing none; and if anyone thinks of something as we get closer to the end here and they want to go back, that would be fine. But we'll just continue on to Issue 6; Incidental Catch and Small Scale Fishery Allowance.

I'll just note right up front that I think it might be misleading to say that the intent of the

bycatch allowance is to account for incidental catch. That is the wording currently used. Since that implies that bycatch is accounted for as part of the TAC and since that is not the case, I think it might be more accurate to say that the intent of the allowance is to accommodate and track incidental catch; really just a sort of subtlety there.

But I think it's more accurate to say that we account and track incidental catch via the bycatch. We don't account, because it just, again, suggests that it is accounted for as part of the TAC. That was one thought I had. Then I just wondered whether Option A should be characterized as status quo, since it reflects the current state of affairs under Addendum I. Megan and I have gone back and forth on this. You can either look at Addendum I currently as status quo, because it has been adopted and is, indeed, a part of our program under Amendment 2.

On the other hand, is it more of an interim measure until we tackle it again under Amendment 3? Again, a subtlety there, but I just was wondering if the board had any thoughts on whether we want to. We sort of do that throughout the document where we offer options. Option A tends to be status quo, so I just found myself wondering whether we should do that here. Those were just the two thoughts I had; additional thoughts from the board? Yes, John.

MR. CLARK: I agree with you. I would like to see status quo in there, so states where this is an important part of the fishery would understand that's what it is. I just found in the whole description here, it is a little confusing. I understand wanting to go to incidental catch from bycatch; but the two terms are used throughout the description, and it does get a little confusing.

I think, if we're going to change it to incidental catch, explain that in the first paragraph, define it, and then use it consistently; because I said, it

goes back and forth. Even when we get to the statement of the problem, it says incidental bycatch limit. Then when you go to the options, it is incidental catch. Consistency here would really help the public, I think.

CHAIRMAN BALLOU: Very good point, I think; yes, Lynn.

MS. FEGLEY: I am still struggling with this one a little bit. With Amendment 2, when this came up, really the crux of the issue here was, there is a difference between a fishing gear that is completely passive that only encounters what swims through it, as compared to something that you can actually go out and seek out menhaden to set on.

The problem with the stationary gear is really, initially when we were going through Amendment 2, is that call it targeted or call it bycatch or call it incidental, call it what you will. These gears, they don't move and the end result of shutting them down for a menhaden quota, might be shutting down the other fisheries that those fish harvest or really ugly discards of dead menhaden.

I guess I am throwing it out to the board for conversation. I don't know if it would be helpful to have a clear explanation of sort of the issue here, why bycatch was identified as what it is. I'm not sure I'm making sense, and I might just have to think about it; and maybe Megan sends you some stuff. I feel like we're confusing bycatch and we're confusing the gear issue. There are sort of two separate conflating issues going on here; for what it's worth.

CHAIRMAN BALLOU: Rob.

MR. O'REILLY: It seems that we all participated in characterizing our bycatch, and ASMFC staff has that. Maybe next time that we meet, or whenever, we can go over that and sort of delineate exactly what Lynn is talking about, in terms of the passive gears versus others. The ASMFC staff has the characterization of the

bycatch, by gear type. That is something we can look at and there could be a determination that certain gears might be under a cap, which is one of the options here, Option D; incidental catch and trigger, and other gears may not. But since we just left an issue where we're thinking that if we try and change the timeframe from 2009 to '11 to anything else; that we would include the bycatch, you know the 6,000 pound allowance in that. We'll have to sort all that out.

CHAIRMAN BALLOU: I think I followed you. Are you just commenting on the challenge of addressing this issue, or do you have any suggested changes for the document?

MR. O'REILLY: The change I think would be under D, there is a cap. But there are gears that are stationary, and it may be that those gears are treated differently than those that aren't stationary. I don't know how you would word that; because it is really a combination of D and C.

CHAIRMAN BALLOU: I know Megan is scribbling down everything you're saying, and I think she is going to give it her best shot to try to take your suggestion. She's nodding yes, so I think she is going to put her brain to work on that one. Is that good with you for now?

MR. O'REILLY: I think that's fine. I think what the intent here is that we know there has been growth in unexpected fisheries, and we know that in a lot of areas there aren't limited entry, so that growth is going to be there; but how do we address that? One way we already talked about is to include the bycatch as part of the total jurisdiction or state landings.

The second idea is that perhaps there is a cap for those gears that are not stationary, and that the stationary gears really have a situation where they are status quo to the Amendment 2, where you have that 6,000 or 12,000 pounds with two licensees. I think we can work that out later, but that is the gist of it.

MR. THOMAS P. FOTE: Are we overcomplicating this? I mean we're getting into the nuts and bolts altogether. I thought this was a draft amendment to go out for public information. We're sitting here trying to go through all the nuts and bolts that we basically can think of. We're going out to find out what the public thinks we should add to this document, and then we'll sit around and do this.

We could sit here and micromanage what we're going to send out to a public information document. But we're really looking for the comments from the public. As long as we give them a general idea of what we're doing, but we shouldn't be this specific.

CHAIRMAN BALLOU: That is certainly consistent with Adam's comment, and it is a tough balance here. You want to provide open ended questions, but you want to give the public something to go on; in terms of thinking through the various options. It is a balance, and I appreciate the comments on both sides of the table; Tom, a follow up?

MR. FOTE: Is the public going to read that 87 page document it looks like we're putting together here? It is like when Kirby sent out the stuff on summer flounder, it was concise, it was easy to read. I even understood all of it. It was not that badly written, but we get too complicated, too many pages, we're going to basically scare the people from actually opening their mouths. I would like to get a shorter document so the public can read it and get the answers of what they want.

MR. CLARK: Sorry to complicate things further, but I was just wondering under what Rob was just talking about, if that could be changed to active and passive gears; because I know a lot of our bycatch comes from drift gillnets, which are not stationary.

CHAIRMAN BALLOU: Any objection, Rob, to active and passive?



MR. O'REILLY: I'll come back to your simplification under the quotas, and there may just be a question. Does stationary fixed gear need to have their incidental catch counted against the states landings or states quota? Maybe that is just a question then, and that would be the easiest thing for people to respond to.

CHAIRMAN BALLOU: I like that thought. Roy.

MR. MILLER: Mr. Chairman, I need your opinion on this. It seems to me that we have to keep our goals in mind here. A problem in our particular state has been that more than 100 percent of our landings have been bycatch. In other words, our total landings have been averaging around 150,000 pounds, yet our quota allocation is, let's say 50,000 pounds; just to round the numbers off. We've got to avoid that. Is what we've outlined in Issue 6 a way to get out of that conundrum, in your view?

CHAIRMAN BALLOU: Well, I appreciate the question. I think you hit the nail on the head, in terms of we are trying to address what has been a very confusing issue in our management program, and that is how we're handling bycatch. I think absolutely, positively, Issue 6 is intended to get at this issue. Again, this is really, I'm not sure I'm prepared to offer a yes or no answer. It is our goal. It is our goal, Roy.

Yes, that is the goal or this issue, is to ensure that we have given the public an opportunity to comment on how we can better address the issue that you just spoke to, in terms of what is a very important one for Delaware, and frankly up and down the coast. I look to the board for thoughts on whether this is perfectly presented, or whether we can do anything to better present it. But the goal is, indeed, to try to fix the bycatch issue. I'll just leave it at that for now.

MR. SIMPSON: I was going to say, Roy, this is the section I am hoping resolves a lot of this and a lot of the issues of state-by-state allocation;

and that's Option F in particular is what I was looking to, to get us out from under that. There is a coastwide set-aside for a subset of gears that we define in this amendment.

Whatever they catch under some determined trip limit, 6,000 pounds or whatever it is. That counts toward this overall set-aside. It is accounted for, but you're not having two-thirds of your catch outside of your quota. Clearly it is part of this coastwide set-aside, and the states are relieved from having to monitor a menhaden quota.

CHAIRMAN BALLOU: Thank you, I think that helped a lot. Other thoughts on this issue, I think we've got two more; the next being Episodic Events Set-Aside Program. Thoughts on that issue as currently presented in the PID. Any suggested changes? I think there is a fairly good range of options offered. Well, actually a fairly good number of questions offered; in terms of it could be better configured. Has the issue been adequately addressed? Seeing no hands; I'm going to assume the answer is yes, and we'll move on to the last issue and that is the Chesapeake Bay Reduction Fishery Cap; any requests or comments regarding that? Seeing none; why don't we pause the board discussion and see if anyone from the public has any comments that they would like to offer to the board on any of the issues as set forth in the PID. Yes in the back.

MS. BICHREST: Hi, Jennie Bichrest from Maine, and I'm also on the AP. I guess I just want to make sure before we leave this meeting today that there are going to be other options back in the allocation, because you have not been that specific. I understand this is just the draft, but I also don't want to leave here today not knowing that there is going to be an option that includes historical landings; because we are one of those states who, we don't have a fishery all the time, but we had huge landings back in the eighties. They were very significant.

I just want to make sure that those years that there is going to be an option in the document that includes those. You've mentioned it in here. But I don't want to leave here today not knowing that the board is at least in agreement that that should definitely be an option provided to the public, because we really got hurt in this. If you don't include some of those years, if you include the most recent years, which I heard somebody suggest, yes those are very still inhibited by the quota reduction and the allocations the way it came out.

We could have had a lot of fish this year, but we thank God, had the episodic event that we could work on. But we could have caught a heck of a lot more fish if we had a quota to begin with. To go with the most recent catch numbers is a joke too, we're still not going to get any quota. I would please encourage you to make sure you've included some that includes some historical landings.

CHAIRMAN BALLOU: I would represent that under Issue 2, Option B, it is called longer time series average. It is an open ended option that would allow for comments on what a longer time series might be. My take is that the document does indeed invite that sort of comment and input on that issue. Thank you for that and I feel comfortable that the document covers it, but that's just my own opinion. If any board member has a different opinion, I'll let them speak to it.

MR. STOCKWELL: I share your level of comfort and want to point out to Jennie that Option C, the weight allocation, also offers two different time periods; one more distant, one more recent. I think we have the options in here to look at alternatives other than at the status quo.

CHAIRMAN BALLOU: Other comments from the public? Seeing none; we'll come back to the board. At this point, well let me just ask, are there any other comments from the board on

any other issues in the PID or aspects? Yes, Wilson.

DR. LANEY: I would just ask that we do take the AP recommendation that we add a section on research programs and priorities. I think those, Megan, are already available; or did we already do that? If we haven't done it, you know the AP suggested it, and I certainly would support that. I think we already have those, Megan, you know we do the compilation every two years, I think, of all the research needs; and then we prioritize those for each species. I think that is just a matter of cut and paste from what we already have on that particular topic.

MS. WARE: Wilson, I hadn't looked back at those research recommendations for menhaden, but what I'm hearing just conferring at the table is those might be a bit old for menhaden. But we do have the 2015 stock assessment that had research recommendations. If you're comfortable with that we'll put those in.

DR. LANEY: Yes Ma'am, I am fine with that. Perhaps we might just run those by the TC real quickly, just to see if they have any suggested updates to those.

MS. WARE: I can try and do that, Wilson. Just so the board knows, we're on a pretty tight turnaround time to get this out. The PID does have to be out for 30 days before we can hold a public hearing, and 14 days after. With the holidays that really does put some crunch on this document. The goal is to get it out Monday or Tuesday of next week. I will send an e-mail to the TC, and see if there are any comments, Wilson.

CHAIRMAN BALLOU: Again, this is a PID; this is not the draft amendment. I don't think it's so vital that we capture all the research recommendations; that would be a draft amendment issue. For the PID it is really, should the amendment include research recommendations, and perhaps reference those

that have already been offered through the stock assessment and leave it at that. I don't think we necessarily need to have an updated list before the PID goes out, because we're really just scoping the issues, not trying to resolve them as has been noted here today.

MS. MESERVE: Perhaps that section could also address Terry's suggestion, with a question about should part of the quota be set aside for research.

CHAIRMAN BALLOU: I like that combo approach, thank you, good suggestion; anything else? If not, I know Amy, I haven't been looking over my shoulder, but I have full faith and confidence that Amy has been doing a yeoman's job capturing the comments as they've been offered.

What I'm going to ask for is a motion that would be a motion to approve the Public Information Document for Amendment 3 to the FMP for Atlantic Menhaden, including the changes agreed to by the board at its October, 2016 meeting or we could say, with the following changes and list everything that is up on the board.

It is really your preference, in terms of how you want to handle it. I know when we did Amendment 2 I went back and the motion included all of the changes. Whether we just reference the changes and use the record of this meeting, or whether the motion includes all the changes; that's your call. Robert.

MR. BOYLES: I'm going to take up my colleague, Dr. Rhodes, and suggest that brevity, what is it brevity is the soul of the wit or something. **I would move to approve the Atlantic Menhaden PID, with the additions suggested and discussed by the board here today; and approve it for public hearing.**

CHAIRMAN BALLOU: Is there a second to that? Seconded by Jim Gilmore; so moved by Robert Boyles, seconded by Jim Gilmore to approve the

public information document for Amendment 3 to the FMP for Atlantic menhaden, including the changes agreed to by the board at its October, 2016 meeting; comments on the motion. Cheri.

MS. PATTERSON: I would just like to recommend that we add to that that not just these suggested changes, but also editorial changes that you have allowed to continue until Friday.

CHAIRMAN BALLOU: Would you like the motion amended to reflect that?

MS. PATTERSON: Yes, I would.

CHAIRMAN BALLOU: Robert, are you comfortable amending the motion to include editorial changes submitted to the FMP coordinator by the close of business Friday. That's a wordy motion, but I think that is what I just heard recommended.

MR. BOYLES: Absolutely I would be more comfortable with a substitute, no – that's fine. Yes, I'm comfortable.

CHAIRMAN BALLOU: Jim, as the seconder are you comfortable? Okay, so let's amend that motion accordingly. I like that because it puts a date certain on when the changes need to be into Megan, anything after Friday, close of business too late, too late; other comments on the motion.

**Is the board ready to vote on the motion? If so, is there any objection to the motion? Seeing none; the motion passes unanimously by consent.** Thank you very much, I thought that was an awesome job working through the document, and away we go with the Amendment 3 process.

**TECHNICAL COMMITTEE REPORT  
REVIEW OF "THE FATE OF AN ATLANTIC  
MENHADEN YEAR CLASS"**

CHAIRMAN BALLOU: We're on to Item 7, the Technical Committee Report on the paper titled "The Fate of an Atlantic Menhaden Year Class," and for that I will go to our TC Chair, Jason McNamee.

MR. McNAMEE: Hello, so I have a brief presentation here, I'll try to go real quick. We had a Menhaden Technical Committee Conference Call, and that is what this is in reference to. We reviewed the updated analysis for the paper, The Fate of an Atlantic Menhaden Year Class by Peter Himchak. We had originally reviewed this analysis that Mr. Himchak did back in June.

We gave him some feedback, we also offered that feedback to the board, and then in August you all requested that we catch back up with Pete, he had worked on the feedback, incorporated I think a lot of it, and so we re-reviewed it. The Technical Committee commended Mr. Himchak's efforts to analyze impacts of fishing mortality on the menhaden stock.

We also appreciated the fact that in this, one of the things we had offered him was, it was important to include natural mortality in the updated analysis, which he did. We're just going to offer a couple of additional thoughts. It is important to understand that this analysis provides one perspective on how a hypothetical year class erodes over time.

But it would be helpful to provide a parallel calculation, which focuses on the mature portion of the population. Just to get into a little more detail on that. Menhaden reach 50 percent maturity at Age 2. The roughly 13 billion fish, which are removed from the population, due to natural mortality, before they mature; never really contribute to the recruitment of the stock. They are not involved in that part of the population dynamics.

We felt it was more appropriate to understand the harvest as a percent of the mature

population and not the entire population, including the juveniles, the young-of-the-year in those earliest years. Additionally, given selectivity, a focus on the ages 2 and older, this would address our previous recommendation of evaluating the impact on the harvestable portion of the population. That was a piece of feedback that we had given Pete before as well. The analysis highlights the large impact that natural mortality has on the juvenile portion on the menhaden stock. You can see that in the analysis that Mr. Himchak did.

But it is important to put that in context, and so while the estimate of M at age from the 2015 benchmark assessment is the best available science, that is why we used it. There is still a lot of uncertainty in this calculation, in fact its time and varying in a way that we used it, and we know that is not the case.

As a result, the calculation of M in the analysis is only as good as the estimates from the assessment. These calculations of M, thinking kind of down the road a little bit, could be improved, and hopefully, we'll have some better information on natural mortality; based on the work being conducted by the biological and ecological reference point working group.

Just a final slide here, and as I kind of reread this, it sounds kind of finger waggy, and that is actually not how we meant it, it was actually more of a constructive comment from the TC. I'm not going to read any of these, but I'll offer you what we actually meant. We received this analysis kind of without much context, and so what we were struggling with was how to approach our comments.

We certainly offered feedback back to Mr. Himchak that was obvious enough. But if there had been some larger context, if the board was thinking about this analysis, they wanted to, I don't know, just to offer an example, use it as a model external type of analysis that you wanted to look at. That could have focused our comments a little better. In the end what we

want to provide you is what you want to know from our review, and so that's what those bullets mean there. With that I'm happy to take any questions anyone has.

CHAIRMAN BALLOU: I know Mr. Himchak is here, and I would like to invite him up to the microphone to just offer some brief comments. Pete.

MR. PETER HIMCHAK: Thank the Commission and the Technical Committee for affording me the opportunity to get grilled during two webinars by the Technical Committee. It is not something I would like to do on a regular basis. But this product came out in February; I did it for the Menhaden Fisheries Coalition.

Basically, I mean I set at this board for seven or eight years, and the numbers are mind boggling; the numbers of fish in the population at each age, the harvest at each age. It is all in the assessment document. What I was trying to do is put some context in 1 percent or a metric ton. How many fish is that and what does that represent in the overall scheme of the population?

I took the assessment document, you can follow any year class, and I recommend you do this. You take the SEDAR 40 document, you follow a year class from 0 to 6 plus, and you look up the reduction landings from 0 to 6 plus, and you'll come up with some analyses like this. You'll see, well we started out with 15.4 billion zeros that were recruited to the fishery, and we ended up with 171 million six year old fish.

Well, what happened to all the other fish? There were just under a billion, just under a billion were harvested from primarily 2, 3, 4, and 5s. Where did all the other fish go? I agree with the Technical Committee. You want to look at fishing pressure. Certainly the two to four year old fish, that is where the Fs are calculated, that is most appropriate. But my message was more to define what the ecosystem is taking out of a year class.

If you look, and again I welcome you to just take the assessment document, it is not complicated math, by any means, and track a year class. You'll find that you lose 10 billion or so going from 0s to 1s. Well, where do they go? Natural mortality, and yes the data are only as good as what's in the assessment document. But I mean that is what exists.

In essence I agree with the Technical Committee on their first bullet. My responses are in a six page document that is in the supplemental materials. I welcome you to read that. Yes the TC was reining me in on exploitation rates. I didn't want to go there. Basically we came to an understanding, I think. My message was a little more based on the year class and not on the fishery. As far as assessing fishing impact, all I did was measure what occurred over a ten year period, from 2004 to 2013. That's all I did. I'll take any questions.

CHAIRMAN BALLOU: Thank you, any questions for either Jason or Peter? Seeing none; is there any further tasking that the board would like the TC to undertake on this issue? Emerson.

MR. HASBROUCK: Not directly related to this issue, but someone tangential to it. I don't know if the request is better directed to the Technical Committee or to the committee looking at the biological, ecological reference points; that working group. I'll raise it now. You can direct it wherever you feel it most appropriate, if you feel it's appropriate.

Something I've been thinking about relative to an ecological approach to menhaden is, how do we explore the impact that menhaden has on other species? We know that menhaden are filter feeders, and they graze on plankton. But some percentage of that diet is ichthyoplankton. They are being distributed further and further along the coast now.

What I keep thinking about – and I've tried to look into this and haven't gotten very far – is what is the impact on other species, things like

striped bass, weakfish, maybe tautog; other species as well? What is the impact of grazing on ichthyoplankton, of another species, of a larger and larger biomass of menhaden? How do we get at that and how is it relative to this ecological approach discussion?

CHAIRMAN BALLOU: Jason.

MR. McNAMEE: I appreciate the thought. I'll say a couple of things. There is some information on what menhaden are filtering by way of particle size and things like that. I don't know if it gets down into species specific stuff, but folks like Kevin Friedland and other researchers have looked at this.

It is certainly something we can look at. I think in a very, not as a specific way as you're thinking about, Emerson, but one of the things that we're working on with the BERP group is feedback. As prey populations decline there is often believed to be a feedback that will then have the predator population decline. I think we mainly think about it by way of constraining growth and that. But there may be something we can think about there; all of that being said, it's very interesting. It is really not an element of what we currently have on our plate that we're analyzing for this current push. I'll just offer there is potentially something there; we're not working on that specifically right now. If that were something that people wanted to look at, I would suggest you might want to let us get through this first sluggo work before we add in new elements. But it is up to the board.

MR. HASBROUCK: Yes, I realize that it's not something that the Technical Committee is currently working on. It is just something that I've been thinking about in terms of the grazing potential, if you will, of menhaden on ichthyoplankton and how that may affect other species. It is part of an ecological approach. How we get at that and how we utilize that I am not sure. I guess the first step might be for the Technical Committee to provide some guidance back to the board on how we can do that.

CHAIRMAN BALLOU: Does the board wish to task the TC with following up on Emerson's suggestion? I would like to get some comments on that. Bill.

MR. GOLDSBOROUGH: This issue was brought up several years ago, was looked at, and was, if I'm not mistaken, considered to be not a significant problem. But if it is going to be looked at, I guess I would suggest that we look back at the record of that deliberation and whatever analyses did take place at the time. I probably have some of that in my file, so I could take a look too. But it was not considered to be a big issue when all that work was done. I did have another comment on Mr. Himchak's paper when it's appropriate.

CHAIRMAN BALLOU: I'm going to come right back to you on that. My sense, Emerson, whatever Bill was just referencing will be pulled out, provided to the board and then we'll circle back to this issue after we've had a chance to digest what's already been done; and then we'll sort of see how that looks, and whether we feel like it is something that we want to pursue.

Does that make sense as a short term response? Okay, I see a nod yes. Bill, if you don't mind, if you could provide Megan with what you have or what you know of. We'll do our best to circulate that to the board and we'll revisit this at a subsequent meeting. If anyone has any objection to that approach, let me know. If not, I would like to proceed in that way. Bill, you had another comment?

MR. GOLDSBOROUGH: Yes. I just wanted to comment that I think there is value in looking at menhaden abundance, as Mr. Himchak's analysis did, and note that that is something that the conservation community has advocated for many years, because it is the general view that numbers of prey is really the most important variable for predators.

One option would be to evaluate the degree to which reference points could be constructed around abundance, but we've never seen an avenue toward that; so maybe it's not really feasible. But I did want to note though that if we look at the results of the last assessment, the terminal value for abundance is near the all-time low. Our current state, as it were, is not good in terms of numbers of menhaden. The ecosystem does feel that effect.

CHAIRMAN BALLOU: Rob.

MR. O'REILLY: I just wanted to, if I may, Mr. Chairman, ask Jay a question. One of the slides, Jay, indicated that the biological and ecological group will be working towards a better understanding of natural mortality. With the work that was done by Mr. Himchak, is it your take from the Technical Committee process that there is a stimulus provided by that paper that Mr. Himchak did?

MR. McNAMEE: How to answer this. I guess what I'll offer, Rob, is what Mr. Himchak did was use the natural mortality that was already in the assessment. That is what he applied to it. I don't mean to denigrate what he did by any means, I'm just saying it's sort of, he took that from the assessment, he said that himself. He didn't offer anything new with regard to natural mortality, I guess. Maybe I could say it that way.

CHAIRMAN BALLOU: Additional comments, seeing none; I think we'll move on. There is one more comment? Oh, David, sorry I didn't see your hand.

MR. BUSH: No worries. Quick question for you, I remember in one of your earlier portions of the earlier presentation. You had mentioned the potential for an allocation shift if we were to deal with it in the future that selectivity that leads to a stable recruitment event might be changed. I don't know if you've put anything out on that already, and I apologize if I haven't caught it yet, but maybe that might be

something for folks to take into consideration when considering an allocation change as well. That might be a little off the beaten path, but I figured I better ask.

CHAIRMAN BALLOU: Okay, thanks, duly noted. Before we move on to the next item, I failed to sort of do my little quick wrap up on the PID. Pardon me for jumping back one item, but I'm not jumping back to the PID item. I just want to make sure the board is clear on where we go from here. Megan will aim to finalize the document by next week. I will seek the assistance of our Vice-Chair Russ Allen in reviewing the final document, to ensure that it accurately reflects all of the changes agreed to by the board today. Megan will then need to quickly coordinate with state directors on hearings.

If you wish to hold a hearing on the PID in your state, please let Megan know ASAP, ideally by the end of this week, if not sooner. Within the next week or so, a public notice will be issued with a link to the final document, and listing the dates, times and locations of all the public hearings. This is going to roll pretty quickly, and Megan does need to know as soon as possible.

She wasn't suggesting we do a show of hands now, she just was asking that you please contact her within the next day or two, if possible, to let her know whether you would like to have a public hearing on the PID in your state. Again, I wanted to let you know that Russ has agreed to assist me in reviewing the final document to make sure that it's good. We're going to roll with this thing. I think the goal is to have all the public hearings completed by the end of the calendar year, is that accurate?

MS. WARE: Yes, I'm hoping by before Christmas. That will give us enough time to enjoy Christmas, and then also for the public comment period to wrap up and be able to summarize the written comments we received.

### **BERP WORKING GROUP PROGRESS REPORT**

CHAIRMAN BALLOU: Thank you, and again, my apologies for forgetting to wrap that into the end of our items; back to the order of the agenda. We are now onto Item 8, which is a Progress Report on the status of the BERP Working Group's efforts to develop ERPs for Atlantic menhaden. Shanna.

MS. SHANNA MADSEN: I see we're all saving the best for last here. To start off with, I just want to put a slide up, kind of reminding everyone of the BERP Work Group's timeline over these next few years; and this coincides with the timeline that Megan had given you earlier. As a reminder, last year we had reported out on the outcome of the Ecosystem Management Objectives Workshop, which established management objectives moving forward for menhaden.

After that point, the BERP had a meeting where we kind of identified the intersection of those goals and objectives, and the actual modeling approaches that we were considering. From there we kind of honed down those modeling approaches, selected a few, and we presented those to the board.

The board did recommend that the BERP move forward with those modeling approaches, so we actually met this past March to put together a general timeline that I presented to you during spring meeting week. The first thing that I have up there is kind of a big, red reminder that this is the first time that we're really attempting to do this level of multispecies modeling to generate ERPs.

The timeline that we have up there is a very ambitious one. We're essentially doing multiple models with multiple species in the same timeframe that you typically do a single species assessment. I just really want to take the time to kind of point out that the group that I'm working with is an amazing group of people.

They're working really hard. We understand how imperative it is for the board to have these answers, and we're trying to go as quickly as we possibly can. If you want to make people go faster, I suggest maybe we give everybody raises; but that's beside the point. I am very cautiously confident in our ability to get this done by 2019, and have it wrapped up and go to peer-review with a BAM model.

To start off with what we decided to do, is that we're going to hold modeling workshops. Essentially, this is a way to give the committee some time to get to know these new modeling approaches. They're very novel. We have some that are being externally developed, so it gives us some time to sit down, understand the back end of these models and kind of tear them apart and provide some suggestions.

We started that off this year in 2016 with the Steele-Henderson Workshop, which was completed back in July; and I'll talk about that in just a second. I have two more scheduled for next year. One is our multispecies statistical catch-at-age model. That one is being developed by none other than Jason McNamee.

We have another production model in development externally that we'll also be reviewing in 2017; that is the TVR workshop that you see up there. In 2018 we anticipate probably having about two data workshops. Again, I know this is a little bit different than what you're used to seeing, reason being that we'll need probably two data workshops, because we're compiling data for so many different species, not just one. That's going to take some time and some vetting. Then in 2019 we anticipate being able to get through our assessment workshops, and eventually put that all through to the peer review with the BAM model at the end of 2019.

A brief update on what happened at our July modeling workshop. As I mentioned earlier, we were focusing in on our Steele-Henderson Production Model. We had a subcommittee



that was essentially trying to convert this modeling approach to a format that was a little bit more easily accessible to the rest of our committee, so they could take the time to really sit down and look at the model and understand it.

We vetted that model very thoroughly. I have to say it took some time. I know, Bob, you sat in and listened in on that one. We tested the stability of the model and made some suggestions for the model set up. At the end of that meeting the group decided that we wanted to try and shift that model into another framework, and some of our other leads are working on doing that right now.

We heard a couple of updates from some of our external models that are being developed, as well as had an update from some of our other modeling leads. From there, we had a call in October, and we ran through modeling simulations with that external production model that Dr. Jenny Nesslage is working on.

Our near future plans, we will be having a call; I think I set that one for December now. I wrote this before I set that call. We have a call in December to discuss further progress on that Steele-Henderson Model. From there, moving into next year, we hope to hold our next modeling workshop to review Jason's model; obviously once he's all wrapped up with his dissertation, so no pressure, Jay.

As we previously outlined before, we're going to try to make sure that we keep you guys completely informed of the situation each May, meeting week, and each meeting week that we have during annual meeting; just letting you know where we're at and keeping you in the loop on everything that we've been working on. With that, I would be happy to take any questions.

CHAIRMAN BALLOU: Questions for Shanna? I think it is hopefully abundantly clear that we have a process going on that does not sync with

the Amendment 3 process. We just have to ensure that we're going forward with eyes wide open, and I think these regular updates help remind the board as to where this process is, and what the timeline is associated with it.

I appreciate the update; any questions for Shanna? Seeing none; we're on to our last agenda item.

#### **REVIEW AND POPULATE ADVISORY PANEL MEMBERSHIP**

Maybe if one of you guys wants to allow Tina Berger to come up, I would like to have her joint us up front for this last item, AP Membership. There are two issues to be addressed by the board; one is nominations to fill current vacancies on the AP. I believe there are eight nominees being recommended to fill existing vacancies.

Then there is a request from Virginia to add a third seat; that being a nontraditional stakeholder with experience in all sectors of the fishing industry, recreational, for-hire and commercial. That request requires the board to evaluate the current configuration of the advisory panel, and decide how it wants to proceed. We may need two motions on these two separate but related issues. But I just first want to take a quick step back and review where we are with regard to the configuration of the Menhaden AP. I actually did a little work here on looking at how it's currently configured. If the eight nominees pending before the board are all approved, the AP will have a total of 24 members; 11 commercial, 10 recreational, 2 what I would call sort of hybrids, they are both commercial and recreational, sort of a combo there, and 1 conservation.

One state will have three members. Seven states will have two members. Seven states will have one member, and one state will have no membership on the panel. That's the current configuration. My read is that that represents a pretty good balance on the AP with regard to

recreational and commercial representation, but there are some obvious differences in the number of panelists from each state.

What is the pleasure of the board? Is the board comfortable with the current configuration? Is the board comfortable with the eight nominees? How does the board want to handle the request from Virginia to add a seat? I am intending those to be thoughtful questions, because I think we need to kind of come to terms with sort of the two pieces there.

One is the current nominees that have been put forward. By the way, I failed to note, I think, the excellent job that Tina did with her memo that essentially addresses these same issues, and offers the board some ways forward. Now is the time to offer thoughts on a way forward. Robert.

MR. BOYLES: I don't have the benefit of having done work, and I appreciate your laying that out for us. My reaction is 24 members on the advisory panel is a very, very large advisory panel; to say nothing of who is on the panel or who is potentially going to be appointed. It makes me go mmm, we have that many folks. I'm grateful again for as much interest, but I wonder is that a good number? It seems high to me.

CHAIRMAN BALLOU: Of course, this being a coastwide resource that we're managing, it seems no surprise that this might be one of the larger APs. But I take your point. Other thoughts on the issue, and I'm happy to take this in the form of two separate motions, one being a motion on the eight nominees that are before the board for consideration, and then a second motion or discussion on the Virginia request. Actually, let me go to Dr. Duval, and then I'll come back to you, Bill.

DR. DUVAL: I am prepared to make a motion with regard to the eight nominees. I did just want to, before I do that, quickly say that North Carolina, we are one of the states that has two

seats; but if these nominees are approved, we will have only one appointee to the advisory panel. Our open seat would be a commercial seat.

Given the interest, I would still want the opportunity to be able to fill that. **With that; my motion is move to approve Bob Hannah, Patrick Paquette, Dave Monti, Meghan Lapp, Paul Eidman, Leonard Voss, Peter Himchak and Scott Williams to the Atlantic Menhaden Advisory Panel.**

CHAIRMAN BALLOU: Is there a second to that motion? Seconded by Bill Adler, moved by Dr. Duval and seconded by Bill Adler to add the eight nominees, whose names are up on the board right now? Discussion on that motion, Nichola.

MS. MESERVE: If this motion is approved, then it looks like Virginia will have two commercial representatives, and I was just looking for some staff input on what the recommended split is, if there are guidelines for that.

MS. TINA BERGER: Yes, I will note that of their representatives, Jimmy Kellum represents both, even though it is not specified here, the purse seine industry, so it is reduction and he also is bait industry. He represents sort of two sectors. Then one Peter Himchak obviously would represent the reduction fishery. Then Jeff Deem is a recreational. There is a difference in representation based on those three, and it is up to the board's pleasure how they want to proceed on that.

MS. MESERVE: Just to follow up, from the paperwork it looks like Jeff Deem is being appointed as a nontraditional stakeholder, but it sounds more like Virginia is looking to add a third seat that would be more of a recreational for-hire seat, which I'm more comfortable with, given Mr. Deem's background. It doesn't seem to fit the nontraditional role, in my opinion.

Proceedings of the Atlantic Menhaden Management Board Meeting October 2016

MS. BERGER: Yes, as staff explored and really looked at where Jeff Deem best fit, it was our initial thought that it would go under a nontraditional, but as we thought about it, other recreational fishermen are represented on the panel and he fits into that pretty well, so that's why our recommendation at a later point was that Virginia include him as a third representative.

CHAIRMAN BALLOU: Cheri, did you have a comment?

MS. PATTERSON: Yes, my comment was going to refer to Jeff being a recreational person and not a nontraditional. I think we should just call a spade a spade, and make sure that they're placed in the appropriate category.

CHAIRMAN BALLOU: I just want to remind the board that that issue is going to follow. The motion currently up on the board does not address that Virginia issue. That is going to follow with a subsequent motion. Bill Adler.

MR. ADLER: Speaking of Jeff Deem, he is not on that thing. Is that deliberate? He is not on that motion.

CHAIRMAN BALLOU: No, we're going to vote on two issues. The first is eight nominees to fill eight existing vacancies, and then a second motion to create an additional position on Virginia for Jeff Deem. On the motion that is up on the board, John.

MR. CLARK: Sorry to delay this further. I just wanted a clarification. I noticed that most of these applications only have one signature from commissioners on it, and the form requests all three commissioners to sign on that. That is not something you're requiring, you just want to get that?

MS. BERGER: You know procedurally it is difficult to get all three commissioners to literally sign the document. What we ask is that the submitting person, with their signature they

have spoken to the other commissioners and have the consent of them in the signing of that document.

CHAIRMAN BALLOU: I'm sorry, to that point I'll note that two nominees from Rhode Island were both agreed to by all members of the Rhode Island delegation. I don't think we signed the sheet, so our bad, but it is to Tina's point that that is the expectation. It was fulfilled in spirit, not in letter in our case. Other comments on the motion, Adam.

MR. NOWALSKY: I'll offer the same comment with regard to New Jersey's nominee. The same happened there.

CHAIRMAN BALLOU: It sounds like all the nominees have been advanced with the full support of the state delegations that have nominated them. Any further discussion on this motion? **Is the board ready for the question? Is there any objection to the motion? Seeing none; the motion is approved by consent** and we now need a second motion on, I see Rob O'Reilly's hand up.

MR. O'REILLY: Yes, I think Jeff Deem being a for-hire guy; he would be very surprised about that. Let me tell you a little bit about Jeff Deem. Jeff Deem has served two different three-year terms on the Mid-Atlantic Council. He has also been the Chairman of our Finfish Advisory Committee at VMRC for about six years.

He was an instrumental force with the wind energy development that didn't happen, but a lot of work was done there. He is involved in a lot of environmental issues. What happened, there was a bit of confusion on my part when I received the roster from Tina and I saw all these different names. I even thought, well Ken Hinman is a Virginian, so he is one of our members.

Obviously, in terms of what we had in the past, we've always had one from the reduction

fishery and one from the bait fishery; although Mr. James Kellum does do a little bit of both, but primarily has the bait interest. I thought with us moving forward with Amendment 3, I really would like to see Jeff Deem involved, because we're going to be going to areas that we haven't been before; in terms of the biological and ecological reference points.

Mr. Deem is very savvy about a lot of those issues, so that is where the third nominee came from. At first I didn't know it was going to be a third nominee, but working with Tina, I finally straightened that out. **That is a little bit about Mr. Deem, and I would certainly move to add him as a third member for Virginia.**

CHAIRMAN BALLOU: Do we need to clarify the nature of that position, Tina?

MS. BERGER: I think your discussion is clear.

CHAIRMAN BALLOU: **A motion has been made to appoint Jeff Deem, from Virginia, as a third member from Virginia to the Atlantic Menhaden Advisory Panel. Is there a second to that motion? Seconded by Nichola Meserve; any discussion on the motion? This would be creating a third AP position for Virginia and filling it.** It is doing two things, creating the third position and filling it with Jeff Deem. That is the two upshots of this motion, if I understand it correctly; discussion on the motion, Dave.

MR. SIMPSON: He certainly sounds like a good individual to add. I'm just wondering in terms of policy and for other boards, I thought our policy or rule was that there were a maximum of two per state, but Tina is saying no. If this doesn't create a president for other boards then I am fine with it.

MS. BERGER: Actually, when the AP was created, there was a different number of seats per state based on the needs of those states. It's not always a standard two per state.

CHAIRMAN BALLOU: Any further discussion on this motion? **Is there any objection to the motion? Seeing none; the motion is approved by consent, and I believe we have reached the end of our meeting.**

#### ADJOURNMENT

CHAIRMAN BALLOU: Is there any other business to be brought before the board? Seeing none; is there any objection to adjourning? Seeing none; we are adjourned. Thank you very much.

(Whereupon the meeting adjourned at 6:01 o'clock p.m. on October 26, 2016.)