



# **Atlantic States Marine Fisheries Commission**

## **Atlantic Menhaden Board & Business Session Meeting Summary**

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*Vision: Sustainably Managing Atlantic Coastal Fisheries*

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Atlantic Menhaden Management Board  
& Business Session  
Baltimore, MD  
November 13 & 14, 2017

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### **Meeting Summaries, Press Releases and Motions**

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## **ATLANTIC MENHADEN MANAGEMENT BOARD (NOVEMBER 13 & 14, 2017)**

### ***Meeting Summary***

In addition to taking final action on Amendment 3 and setting the 2018 and 2019 total allowable catch limits for Atlantic menhaden (see press releases under Business Session), the Board elected Nichola Meserve (MA) as its Vice-Chair. For more information, please contact Megan Ware, Fishery Management Plan Coordinator, at [mware@asmfc.org](mailto:mware@asmfc.org) or 703.842.0740.

### ***Motions***

#### **Main Motion**

**Move to adopt reference point Option E: BERP Workgroup Continues to Develop Menhaden-specific ERPs with Interim Use of 75% Target, 40% Threshold as described in Draft Amendment 3.**

Motion made by Mr. Borden and seconded by Ms. Meserve. Motion substituted.

#### **Motion to Substitute**

**Move to substitute to adopt Option B: BERP workgroup continues to develop Menhaden-specific ERPs with Interim Use of Single-species Reference Points as described in Draft Amendment 3.**

Motion made by Mr. Keliher and seconded by Mr. Allen. Motion passes (Roll Call: In Favor – ME, NY, NJ, DE, MD, PRFC, VA, NC, SC, GA, FL, NOAA Fisheries, USFWS; Opposed – NH, MA, RI, CT, PA)

#### **Main Motion as Substituted**

**Move to adopt Option B: BERP workgroup continues to develop Menhaden-specific ERPs with Interim use of Single-species Reference Points as described in Draft Amendment 3.**

#### **Motion to Amend**

**Move to amend to add to set the TAC at 200,000 metric tons for the next two years (2018-2019).**

Motion made by Mr. Boyles and seconded by Mr. McMurray. Motion fails (Roll Call: In Favor – RI, CT, PA, SC, GA; Opposed – ME, NH, MA, NY, NJ, DE, MD, PRFC, VA, NC, FL, NOAA Fisheries, USFWS).

#### **Main Motion as Substituted**

**Move to adopt Option B: BERP workgroup continues to develop Menhaden-specific ERPs with Interim Use of Single-species Reference Points as described in Draft Amendment 3.**

Motion passes (16 in favor, 2 opposed).

**Move that if the fixed minimum option is selected the following conditions would govern the activity:**

**At the start of each fishing year and no later than January 31<sup>st</sup>, states must declare if they want to participate in the fixed minimum program.**

**States have the option to opt -out of the program and decline their fixed minimum allocation, or maintain 10,000 pounds for bycatch purposes and decline the remainder of their quota. States also have the right to opt-in to the program and receive their full allocation. In declaring its intent to receive its fixed minimum quota, a state can also chose to receive all, or part, of this amount. If a jurisdiction declines its full allocation it must specifically identify the amount requested. States which opt-in must demonstrate that the state has the intent and ability to commercially harvest some, or all, of its**

**menhaden quota for a directed or bycatch fishery. This can be demonstrated through the issuance of permits for applicable gear types or species, historic landings, or the abundance of menhaden in state and/or federal waters. Any quota that is not received by a state is re-distributed to the other jurisdictions based on historic landings from the time-period selected by the Board in this Amendment.** Motion made by Mr. Keliher and seconded by Mr. White. Motion tabled until after Issue 2 is addressed.

**Move to table until after Issue 2: Allocation Methods and Timeframes has been decided.** Motion made by Mr. Nowalsky and seconded by Mr. O'Reilly. Motion carries unanimously.

**Main Motion**

**Move to set a total allowable catch not to exceed 216,000 metric tons until such a time that ecological reference points are utilized for Atlantic menhaden management.** Motion made by Mr. Estes and seconded by Mr. Woodward.

**Motion to Substitute**

**Move to substitute to set a total allowable catch of 240,000 metric tons for 2018 and 2019.** Motion made by Mr. Nowalsky and seconded by Mr. Bush. Motion fails (4 in favor, 14 opposed).

**Main Motion**

**Move to set a total allowable catch not to exceed 216,000 metric tons until such a time that ecological reference points are utilized for Atlantic menhaden management.** Motion made by Mr. Estes and seconded by Mr. Woodward.

**Motion to Substitute**

**Move to substitute to set a total allowable catch not to exceed 220,000 metric tons for 2018 and 2019 or until menhaden-specific ecological reference points are available for management use, whichever is first.** Motion made by Mr. Bush and seconded by Ms. Dean. Motion fails (Roll Call: In Favor – NJ, DE, MD, PRFC, VA; Opposed – ME, NH, MA, RI, CT, NY, PA, NC, SC, GA, FL, NOAA Fisheries, USFWS).

**Main Motion**

**Move to set a total allowable catch not to exceed 216,000 metric tons until such a time that ecological reference points are utilized for Atlantic menhaden management.** Motion made by Mr. Estes and seconded by Mr. Woodward. Motion substituted.

**Motion to Substitute**

**Move to substitute to set a total allowable catch not to exceed and be set at 216,000 metric tons for 2018 and 2019 or unless menhaden-specific ecological reference points are available for management use.** Motion made by Ms. Dean and seconded by Mr. Train. Motion passes (Roll Call: In Favor – ME, NH, CT, NJ, DE, MD, PRFC, VA, NC, NOAA Fisheries, USFWS; Opposed – MA, RI, NY, PA, SC, GA, FL).

**14. Move to limit debate.**

Motion made by Mr. Abbott and second by Mr. Lustig. Motion carries without objection.

### **Main Motion as Substituted**

**Main Motion: Move to set a total allowable catch not to exceed and be set at 216,000 metric tons for 2018 and 2019 or unless menhaden-specific ecological reference points are available for management use.** Motion passes (Roll Call: In Favor – ME, NH, MA, CT, NY, NJ, DE, MD, PRFC, VA, NC, SC, GA, NOAA Fisheries, USFWS: Opposed – RI, PA, FL).

### **Main Motion**

**Move to choose the following options in Draft Amendment 3:**

- **Section 4.3.2 Allocation Method Option C: Jurisdictional Allocation with Minimum Base Allocation with a 0.75% fixed minimum; Quota Timeframe 2012-2016**
- **Section 4.3.3 Quota Transfers Option A: Quota Transfers Permitted**
- **Section 4.3.4 Quota Rollover Option A: Unused Quota May Not Be Rolled Over**

Motion made by Mr. Keliher and seconded by Mr. White.

### **Motion to Amend**

**Move to amend to section 4.3.2 Allocation method Option C “with a 1% fixed minimum.”**

Motion made by Mr. Hasbrouck and seconded Ms. Meserve. Motion fails (6 in favor, 10 opposed, 2 abstentions).

### **Motion to Amend**

**Move to amend to substitute the first bullet with “Option F under Section 4.3.2: Allocation based on TAC level.”**

Motion made by Mr. O’Reilly and second by Mr. Bush. Motion fails (1 in favor, 15 opposed, 2 abstentions).

### **Main Motion**

**Move to choose the following options in Draft Amendment 3:**

- **Section 4.3.2 Allocation Method Option C: Jurisdictional Allocation with Minimum Base Allocation with a 0.75% fixed minimum; Quota Timeframe 2012-2016**
- **Section 4.3.3 Quota Transfers Option A: Quota Transfers Permitted**
- **Section 4.3.4 Quota Rollover Option A: Unused Quota May Not Be Rolled Over**

Motion made by Mr. Keliher and seconded by Mr. White. Motion passes (14 in favor, 2 opposed, 2 abstentions).

**Move to bring the tabled motion back for consideration by the Board.**

Motion made by Mr. Nowalsky and seconded by Mr. Hasbrouck. Motion passes.

### **Main Motion**

**Move that if the fixed minimum option is selected the following conditions would govern the activity:**

**At the start of each fishing year and no later than January 31<sup>st</sup>, states must declare if they want to participate in the fixed minimum program.**

**States have the option to opt -out of the program and decline their fixed minimum allocation, or maintain 10,000 pounds for bycatch purposes and decline the remainder of their quota. States also have the right to opt-in to the program and receive their full allocation. In declaring its intent to receive its**

fixed minimum quota, a state can also chose to receive all, or part, of this amount. If a jurisdiction declines its full allocation it must specifically identify the amount requested. States which opt-in must demonstrate that the state has the intent and ability to commercially harvest some, or all, of its menhaden quota for a directed or bycatch fishery. This can be demonstrated through the issuance of permits for applicable gear types or species, historic landings, or the abundance of menhaden in state and/or federal waters. Any quota that is not received by a state is re-distributed to the other jurisdictions based on historic landings from the time-period selected by the Board in this Amendment. Motion made by Mr. Keliher and seconded by Mr. White.

#### **Motion to Substitute**

Move to substitute that “at the start of each fishing year and no later than January 31<sup>st</sup>, states may declare if they want to opt-out of the fixed minimum program.

States may declare to opt-out of the program and decline all or part of their fixed minimum allocation. If a jurisdiction declines part of their allocation it must specifically identify the amount they do not wish to receive. Any quota that is not received by a state is re-distributed to the other jurisdictions based on historic landings from the time-period selected by the Board in this Amendment.”

Motion made by Mr. Nowalsky and seconded by Dr. Duval. Motion fails (2 in favor, 14 opposed, 2 abstentions).

#### **Main Motion**

Move that if the fixed minimum option is selected the following conditions would govern the activity:

At the start of each fishing year and no later than January 31<sup>st</sup>, states must declare if they want to participate in the fixed minimum program.

States have the option to opt -out of the program and decline their fixed minimum allocation, or maintain 10,000 pounds for bycatch purposes and decline the remainder of their quota. States also have the right to opt-in to the program and receive their full allocation. In declaring its intent to receive its fixed minimum quota, a state can also chose to receive all, or part, of this amount. If a jurisdiction declines its full allocation it must specifically identify the amount requested. States which opt-in must demonstrate that the state has the intent and ability to commercially harvest some, or all, of its menhaden quota for a directed or bycatch fishery. This can be demonstrated through the issuance of permits for applicable gear types or species, historic landings, or the abundance of menhaden in state and/or federal waters. Any quota that is not received by a state is re-distributed to the other jurisdictions based on historic landings from the time-period selected by the Board in this Amendment.

Motion made by Mr. Keliher and seconded by Mr. White. Motion fails (7 in favor, 9 opposed, 2 abstentions).

#### **Move to reconsider the allocation method.**

Motion made by Mr. Boyles and seconded by Mr. Miller. Motion passes (11 in favor, 7 opposed).

#### **Move to select:**

- **Section 4.3.2 Allocation Method: Option C, Jurisdiction Allocation with a Fixed Minimum with a 0.5% fixed minimum; Allocation Timeframe: 2009-2011**

- **Section 4.3.3 Quota Transfers Option A: Quota Transfers Permitted**
- **Section 4.3.4 Quota Rollover Option A: Unused Quota May Not Be Rolled Over**
- **Section 4.3.5 Incidental Catch and Small Scale Fisheries: Option B, modified to include purse seines smaller than 150 fathom long by 8 fathom deep would be considered small scale gear.**
- **Section 4.3.6 Episodic Events Option A: 1% Set Aside**

Motion made by Mr. Boyles and seconded by Mr. Bush. Motion passes (Roll Call: In Favor – ME, NH, CT, NY, PA, DE, MD, PRFC, NC, SC, GA, FL; Opposed – MA, RI, NJ, VA; Abstentions – NOAA Fisheries, USFWS).

**Main Motion**

**Move to select under Section 4.3.7: Chesapeake Bay Reduction Fishery Cap, Option A: Cap set at 87,216 metric tons, and sub-option A: limited rollover of unused cap permitted up to 10,976 metric tons.**

Motion made by Mr. O’Reilly and seconded by Mr. Nowalsky. Motion substituted.

**Motion to Substitute**

**Move to substitute to select Option B: cap set at 51,000 metric tons and sub-option B: no rollover of unused cap permitted.**

Motion made by Dr. Colden and seconded by Mr. McMurray. Motion passes (Roll Call: In Favor – ME, NH, MA, RI, CT, NY, PA, DE, MD, PRFC, NC, SC, GA, FL; Opposed – NJ, VA; Abstentions – NOAA Fisheries, USFWS).

**Main Motion as Substituted**

**Move to select Option B: cap set at 51,000 metric tons and sub-option B: no rollover of unused cap permitted.**

Motion passes (Roll Call: In Favor – ME, NH, MA, RI, CT, NY, PA, DE, MD, PRFC, NC, SC, GA, FL; Opposed – NJ, VA; Abstentions – NOAA Fisheries, USFWS).

**Move that states must declare any relinquished quota by December 1<sup>st</sup> of the previous year. States have the ability to declare how much of their quota to relinquish. Any quota that is relinquished by a state is redistributed to the other jurisdictions based on historic landings from the time period selected by the Board in this Amendment.**

Motion made by Mr. Keliher and second by Mr. Borden. Motion passes (16 in favor, 2 abstentions).

**Main Motion**

**Move that states implement the provisions of Amendment 3 by January 1, 2018.**

Motion made by Mr. Fote and seconded by Mr. Lustig. Motion amended.

**Motion to Amend**

**Move to amend that states submit implementation plans for Amendment 3 by January 1, 2018, and implement by April 15, 2018.**

Motion made by Mr. Boyles and seconded by Mr. Gilmore. Motion adopted by consent.

**Main Motion as Amended**

**Move to amend that states submit implementation plans for Amendment 3 by January 1, 2018, and implement by April 15, 2018.**

Motion adopted by consent.

**Move to recommend to the Commission the approval of Amendment 3 to the Atlantic Menhaden Interstate Fishery Management Plan as amended today.**

Motion made by Mr. Boyles and seconded by Mr. Estes. Motion passes (Roll Call: In Favor – ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, PRFC, NC, SC, GA, FL, NOAA Fisheries, USFWS; Opposed – VA).

**Move to elect Nichola Meserve as Vice-Chair of the Atlantic Menhaden Board.**

Motion made by Mr. Boyles and seconded by Mr. Lustig. Motion passes without objection.

**BUSINESS SESSION (NOVEMBER 14, 2017)**

*Press Releases*

**ASMFC Approves Amendment 3 to the Interstate Fishery Management Plan for Atlantic Menhaden**  
***Atlantic Menhaden Board Sets TAC at 216,000 MT for 2018 and 2019***

Linthicum, MD – The Atlantic States Marine Fisheries Commission approved Amendment 3 to the Interstate Fishery Management Plan (FMP) for Atlantic Menhaden. The Amendment maintains the management program’s current single-species biological reference points until the review and adoption of menhaden-specific ecological reference points as part of the 2019 benchmark stock assessment process. It also addresses a suite of commercial management measures including allocation, quota transfers, quota rollovers, incidental catch, the episodic events set aside program, and the Chesapeake Bay reduction fishery cap.

In addition to its Amendment 3 deliberations, the Board set the total allowable catch for the 2018 and 2019 fishing seasons at 216,000 metric tons with the expectation that the setting of the TAC for subsequent years will be guided by menhaden-specific ecological reference points.

“Through adoption of Amendment 3 and the setting of the 2018 and 2019 TAC at a risk-averse level, the Board has demonstrated its continued commitment to manage the menhaden resource in a way that balances menhaden’s ecological role with the needs of its stakeholders,” stated Board Chair Robert Ballou of Rhode Island. “While the Amendment maintains the current reference points, the Board placed the development of menhaden-specific ecological reference points as its highest priority. While the Board’s action was not supported by the majority of public comment received, it is still a conservative management action relative to our understanding of stock status and many of the positive signals we see in the current stock conditions. Specifically, the 2017 Stock Assessment Update indicated the resource remains healthy, with increases in abundance particularly in the norther states. Risks to the resource under our current reference points are well understood, while changes to the TAC under the general forage fish guidelines are not as well understood. Further, the approved TAC, which represents a modest 8% increase in the coastwide quota, has zero percent chance of subjecting the resource to overfishing or causing it to be overfished.”

Amendment 3 also changes fishery allocations in order to strike an improved balance between gear types and jurisdictions. The Amendment allocates a baseline quota of 0.5% to each jurisdiction, and

then allocates the rest of the TAC based on historic landings between 2009 and 2011 (see table below). This measure provides fishing opportunities to states which currently have little quota while still recognizing historic landings in the fishery. The Board also agreed to maintain the quota transfer process, prohibit the rollover of unused quota, maintain the 6,000 lb trip limit for non-directed and small-scale gears following the closure of a directed fishery, and set aside 1% of the TAC for episodic events in the states of New York through Maine.

“The Board worked collaboratively and effectively to forge an outcome that is fair and responsive to the needs and interests of all East Coast states,” said Chair Ballou.

**Table 1. Amendment 3 allocation percentages based on a 0.5% fixed minimum during the 2009-2011 timeframe.**

<b>State</b>	<b>Allocations (%)</b>
<b>Maine</b>	0.52%
<b>New Hampshire</b>	0.50%
<b>Massachusetts</b>	1.27%
<b>Rhode Island</b>	0.52%
<b>Connecticut</b>	0.52%
<b>New York</b>	0.69%
<b>New Jersey</b>	10.87%
<b>Pennsylvania</b>	0.50%
<b>Delaware</b>	0.51%
<b>Maryland</b>	1.89%
<b>Potomac River Fisheries Commission</b>	1.07%
<b>Virginia</b>	78.66%
<b>North Carolina</b>	0.96%
<b>South Carolina</b>	0.50%
<b>Georgia</b>	0.50%
<b>Florida</b>	0.52%
<b>Total</b>	100%

Finally, the Amendment reduces the Chesapeake Bay cap, which was first implemented in 2006 to limit the amount of reduction harvest within the Bay, to 51,000 mt from 87,216 mt. This recognizes the importance of the Chesapeake Bay as nursery grounds for many species by capping recent reduction landings from the Bay to current levels.

States must submit implementation plans to the Commission by January 1, 2018 for final implementation by April 15, 2018. The Amendment will be available on the Commission’s website, [www.asmfc.org](http://www.asmfc.org), by the end of November. For more information, please contact Megan Ware, Fishery Management Plan Coordinator, at [mware@asmfc.org](mailto:mware@asmfc.org) or 703.842.0740.



## ASMFC Approves Interstate FMP for the Atlantic Migratory Group Cobia

Linthicum, MD – The Atlantic States Marine Fisheries Commission approved the Interstate Fishery Management Plan (FMP) for Atlantic Migratory Group (AMG). The FMP complements many of the aspects of the South Atlantic Fishery Management Council's (SAFMC) cobia regulations for federal waters extending from Georgia through New York. The FMP was initiated in response to recent overages of the federal annual catch limit (ACL) for AMG Cobia. Managing the recreational ACL on a coastwide basis has resulted in federal closures and significant overages in 2015 and 2016, disrupting fishing opportunities and jeopardizing the health of the stock.

Under the Interstate FMP, the recreational fishery will be managed with a one fish bag limit and minimum size limit of 36" fork length (FL) or total length equivalent. Vessel limits will be determined once individual states set their seasonal restrictions, but may not exceed six fish per vessel. State-specific allocations of a coastwide recreational harvest limit that is equivalent to the federal AMG cobia ACL of 620,000 pounds result in the following state-specific soft targets:

- Georgia: 58,311 pounds
- South Carolina: 74,885 pounds
- North Carolina: 236,316 pounds
- Virginia: 244,292 pounds

Recreational harvest overages of specific-state allocations will be evaluated over a three-year time period. If overages occur, states will be required to adjust management measures to reduce harvest in the subsequent three-year period.

The commercial fishery will maintain the current management measures as implemented through the SAFMC FMP and continue to be managed with a 33" FL minimum size limit and two fish limit per person, with a six fish maximum vessel limit. The federal ACL of 50,000 pounds is allocated to the entire commercial fishery from Georgia through New York. The commercial AMG cobia fishery will close once the ACL is projected to be reached.

The FMP provides the opportunity for states to declare *de minimis* status for their recreational fishery if landings constitute less than 1% of the recreational AMG cobia harvest. States must submit implementation plans to the Commission by January 1, 2018 for Technical Committee review and Board approval at the February 2018 meeting in Alexandria, Virginia. Approved plans must be implemented by April 1, 2018. For more information, please contact Dr. Louis Daniel, Fishery Management Plan Coordinator, at [ldaniel@asmfc.org](mailto:ldaniel@asmfc.org) or 252.342.1478.

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PR17-58

### **Motions**

On behalf of the Menhaden Board, I move the Commission approve Amendment 3 to the Atlantic Menhaden Interstate Fishery Management Plan as amended today.

Motion made by Mr. Ballou. Motion passes (Roll Call: In Favor – ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, NC, SC, GA, FL; Opposed – VA).

**On behalf of the South Atlantic Board, I move the Commission approve the Cobia Interstate Fishery Management Plan.**

Motion made by Mr. Estes. Motion carries unanimously (Roll Call: In Favor – ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, NC, SC, GA, FL; Opposed – VA).