



Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
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MEMORANDUM

April 25, 2012

To: Atlantic Menhaden Management Board
From: Mike Waine, ISFMP Coordinator
RE: Public Comment on Public Information Document for Atlantic Menhaden ISFMP

The following pages represent a summary of all comment received by ASMFC by April 20, 2012 at 5:00 p.m. (closing deadline) on the Public Information Document for Amendment 2 to the Atlantic Menhaden FMP.

A total of 22,641 comments have been received. Of those comments 104 were personalized individual comment, 18 were from organizations, and 22,519 comments were from form letters (13 different letters).

12 Public hearings were held in 12 states. Approximately 185 individuals were estimated to have attended all of the hearings combined.

The following tables are provided to give the management board an overview of the support for specific options/issues contained in the document. Support for an option was only indicated in the table if the commenter specifically stated preference for one or more of the options in the document.

PID to Amendmen 2 to the Atlantic Menhaden FMP								
	Timeline to Achieve Target				Achieving Target		Reporting	De minimis
	Option 1: 1 year	Option 2: 3 year	Option 3: 5 year	Option 4: 10 year	>= 0.50 probability	>= 0.75 probability	Better reporting	Add to FMP
Individual/ organization letters	6	57	5	7	3	27	29	10
Form Letters		11993		1049	11096	34	12192	11096
Hearings								
ME								
NH		1	1			1	2	2
MA	3	3			2		4	1
RI		3				4	3	1
NY		2	2			2	2	2
NJ		3				1	4	3
DE								1
MD		3	1	1		1	2	1
VA		3	1	1		1	2	1
NC		4	1			1		
SC								1
TOTAL	9	12072	11	1058	11101	72	12240	11119

PID to Amendment 2 to the Atlantic Menhaden FMP

	Recreational Management Measures						Commercial Management Measures							
	Option 1: Status Quo	Option 2: Size Limit	Option 3: Bag Limits	Option 4: Seasons	Option 5: Area Closures	Option 6: Gear Restrict	Option 1: Status Quo	Option 2: Trip Limits	Option 3: Gear Restrictions	Option 4: Season Closure	Option 5: Area Closures	Option 6: Quotas	Option 7: Effort Controls	Option 8: Limited Entry
Individual/ organization Letters	29	5	5	5	6	6		19	22	22	18	45	21	9
Form Letters	11154							11	11	99	11	21383	11	88
Hearings														
ME							1	13	1	12		12	1	
NH	1							1	1	1	1	1	1	
MA	2										1	4		
RI	2		4					3	4	3	5	5	1	
NY	2		2					2	2	2	2	2	2	
NJ	6						1	1	1	1	2	5	2	
DE														
MD	3							2	2	2	2	3	2	
VA	2							1	1	1	1	2	1	
NC	2							1	1	1	1	1	1	
SC	1													
TOTAL	11204	5	11	5		6	2	54	46	144	44	21463	43	97

Additional commonalities from the written comments included:

- Implement complimentary management measures in federal waters (EEZ)
- Remove the ten year option from the timeline to achieve the target
- Consider the impacts the reductions will have on local communities
- Industry sees plenty of menhaden, and they question the science
- Conserve menhaden
- Timeline to achieve the threshold and target should be immediate
- Manage the reduction and bait fisheries separately
- Take reductions slowly
- Remove the one year option from the timeline to achieve the target
- Protect menhaden for their ecological purposes
- The new adult survey conducted in New England should be included in the stock assessment update
- Allocation should be based on history by state and regulated by state
- Moratorium should be considered
- Consider discard mortality when using trip limits
- Penalties for violations should be large enough to discourage violators
- Days at sea should not be considered
- Reduce the reduction fishery only
- Perform a full economic and social impact analysis including other fisheries that rely on menhaden for bait
- Environment drives the stock change not fishing
- Fishing is much more expensive now than it was historically
- Ecological depletion of menhaden is the main issue
- Ecological based reference points are needed
- Implement management measures to achieve the target in 3 years
- Restore menhaden to historic abundance
- Perform a benchmark stock assessment as soon as possible
- The biomass (fecundity) reference point needs to match the new fishing mortality reference points
- If recreational fishery landings increase substantially reconsider it for management
- A full social and economic analysis is needed before any recommendations on management options can be made
- More information should be gathered before moving forward with the amendment
- Allocation of any quota should be based on history of each fishery
- Act now

- Not enough landings history information to implement a limited entry program
- Reporting should be comprehensive, transparent and enforceable.
- *De minimis* criteria should be strict and evaluated annually for status determination
- *De minimis* states should still have to provide biological monitoring

The following pages contain public comment submitted from April 13, 2012 until April 20, 2012 at 5:00 p.m. (closing deadline), personalized individual letters (pages 6 – 98), letters sent by organizations (99 – 165), and all form letters with total petitioner count (pages 166 – 186).

SUBMITTED WRITTEN COMMENT OF ATL
MENHADEN AMENDMENT 2 PID HAS BEEN
REMOVED FROM THIS DOCUMENT DUE TO FILE
SIZE

CONTACT [ASMFC](#) IF YOU WOULD LIKE TO
RECEIVE THE SUBMITTED PUBLIC COMMENT



Atlantic States Marine Fisheries Commission

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MEMORANDUM

April 25, 2012

To: Atlantic Menhaden Management Board
From: Atlantic Menhaden Advisory Panel
RE: Advisory Panel Report to the Board on the Public Information Document

The Advisory Panel met via conference call on April 23, 2012 to make recommendation to the Board on the Public Information Document for draft Amendment 2 the ISFMP for Atlantic Menhaden. Panel members in attendance represented the conservation community, commercial harvesters (for bait and reduction), bait dealers, and recreational fishermen. The following is a summary of the meeting.

Attendees

Advisory Panel Members

Ron Lukens (VA)
Ed Cherry (NJ)
Don Swanson (NH)
Ken Hinman (VA)
Melissa Dearborn (NY)

ASMFC Staff

Mike Waine

Public Information Document Recommendations for Draft Amendment 2 to the ISFMP for Atlantic Menhaden

Issue 1: Achieving the Target

Timeline

Some members suggest using management measures to achieve the target F in as short a time as possible, and 3 years or less is a reasonable amount of time to achieve the Target. Including a five year option for public comment is acceptable, but the ten year time frame is not reasonable and should be removed as an option.

Some members suggest a ten year phase in option should be included, and it is often used in the federal council system as it relates to a rebuilding schedule. This allows the process to be implemented over the time frame allowing the fishing industry to survive the reductions that are being proposed. Some members suggest achieving the threshold in 3 years and the target in 10.

Probability of achieving the Target

Some members of the AP were in favor of a 0.75 probability of achieving the threshold and target F. It was noted that the probabilities are based on the last stock assessment and will change when the update occurs, so some of the AP object to the AP making a recommendation on this issue.

Healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015

Issue 2: Catch reporting

Use ACCSP and their standards for catch monitoring and reporting inherent to the SAFIS system. The changes to the reporting should meet the ACCSP data elements and submission standards. Data elements should also include biological data (e.g., age and length data) and any data used in the stock assessment process. Some members suggest daily reporting by harvesters and weekly reporting by dealers, but generally reporting should be as real time as possible. Consider use of VMS. The reporting should be comprehensive, transparent and enforceable.

Issue 3: Recreational Fishery Management Tools

AP recommendation is to consider bait questions on the MRIP intercept surveys. Concern about the distinction between bait harvested recreationally and bait purchased at a bait shop for recreational purposes. Therefore, reporting by the recreational fishery should only apply to fish that are immediately caught and not menhaden that were purchased for bait.

However, consensus that recreational harvest is less than 1 percent of the total harvest and it is unnecessary to implement management measures if the fishery continues to make up a marginal amount of harvest. There was consensus for status quo on recreational fishery management measures.

Issue 4: Commercial Fishery Management Tools

Status Quo

Some AP members did not support status quo.

Trip Limits

Some AP members believe trip limits are not workable for the reduction and bait fisheries. A majority of the AP is in favor of keeping the trip limits as an option for management. One member is not in favor of trip limits unless it's an incidental catch allowance in the bait fishery. There is a concern regarding discard mortality as an issue with trip limits.

Gear restrictions

Some AP members believe this option should be eliminated for the reduction fishery. Purse seine is the only way to harvest for reduction purposes, so restricting this gear is not a workable option. Some members of the AP support keeping gear restrictions as an option. If gear restrictions are used it should be appropriate to the fishery and take into account investments that have been made for specific gears already in use.

Season Closures

Consensus supporting keeping season closures as an option in the management program.

Area closures

Some AP members support keeping area closures as an option to protect spawning and or nursery areas. However, other AP members don't consider it an effective tool for F based management.

Quotas

Consensus from the AP in support of keeping quotas as an option and suboptions. A number of analyses need to be performed if quotas are included as an option. A catch share program would be difficult to

implement given the lack of information regarding fishery participation and landings history in the bait fishery.

Effort Controls

Support keeping effort controls as a management option. Some members were concerned about days at sea as an effective effort control measure. Other members thought days at sea could be used to achieve a target F goal. Vessel restrictions should consider both harvester and carrier vessels.

Limited Entry

Some AP members are not in support of limited entry as a management tool at this time. Other AP members were in support of a limited entry program. There is also support for some mechanism to identify participants in the bait fishery.

Issue 5: *De minimis* Requirements

The AP is fine to include a definition of *de minimis* in the amendment, but regardless of *de minimis* status every state should be required to report and monitor to the standards developed in the FMP through Amendment 2.

Complimentary Management measures in Federal Waters

The Board should consider implementation of management options in federal waters as a percentage of the fishery is prosecuted in the EEZ.

Social and Economic Impacts

The AP suggested that an impact section be included before specific management options are chosen through the amendment. The impact section should include an analysis of potential long term benefits given a change in the management program of Atlantic menhaden.

Email to: jreichle@lundsfish.com

April 20, 2012

Mr. Michael Waine, FMP Coordinator
Atlantic States Marine Fisheries Commission
1050 North Highland Street, Suite 200A-N
Arlington, VA 22201

Re: PID for Atlantic Menhaden Amendment 2

Dear Mr. Waine:

On behalf of the 150 employees of our family-owned business, Lund's Fisheries, Inc., and the independent fishermen who also supply Atlantic menhaden to our processing facility in Cape May, NJ, we thank you for the opportunity to comment on the Public Information Document (PID) for Amendment 2 to the IFMP for Atlantic menhaden (FMP).

The Atlantic menhaden fishery is an extremely important seasonal fishery in New Jersey, for both our company and our employees. During the 2010 season, about 50 million pounds of menhaden were landed in New Jersey, from both state and federal waters, which were used to supply important commercial, recreational and charter boat bait products used in crab, lobster, striped bass and bluefish fisheries up and down the eastern seaboard and beyond. These fish were valued at about \$4.5 million at the dock. Last year, menhaden abundance appeared to be very strong, again, and it is our understanding that 2011 landings in New Jersey significantly exceeded 2010 landings. With an increase in landings again last year, the value of these fish to the state of New Jersey also increased and their importance to our company and its employees increased at the same time, as was the case for other New Jersey menhaden producers.

Purpose of the PID / Timeline to Achieve the Fishing Mortality Target

The PID asks for comments on changes we have observed in the fishery. In recent years, menhaden abundance has seemed to be increasing, and striped bass fishing in the state continues to be robust, as we can see from angler websites and from observing local activity. The health of the resource does not seem to be threatened, based upon what we are seeing. At the same time, we recognize that the menhaden fishery does not currently operate under a coastwide limit on the number of metric tons that can be harvested each year, which has become the norm in the management of our Federal fisheries and in some of our state's fisheries, so we are not opposed to the establishment of a coastwide quota on the fishery at some point in the future, if it can be biologically justified. What we need is a sustainable fishery roadmap into the future, based upon good science.

We understand that the Amendment 2 process was initiated by the management board following the updated 2010 stock assessment, which used the terminal year of data of the assessment (2008) – normally a noisy data point not commonly relied upon for management, as we understand the assessment process – to determine that fishing effort barely exceeded the existing overfishing threshold, by 0.4%. The assessment also made the determination that overfishing was not occurring during the previous 9 years (1999-2007) and that the stock complex is not overfished, since the spawning stock was estimated to be nearly at the target and almost two times (198%) its “overfished” threshold level of abundance. These facts do not seem to support the contention by some that the menhaden coastal stock complex is at an all-time low.

The board has recently agreed to establish new, interim fishing mortality reference points establishing a new $F_{threshold}$ of $F_{15\%MSP}$ and a new F_{target} of $F_{30\%MSP}$. When making a recommendation in support of the new threshold, the Technical Committee (TC) indicated that a 10-15% cut in fishing effort may double the menhaden biomass. On this point, however, the PID, at page 19 reminds us “*(i)t is important to note that there is not a well defined stock recruitment relationship, and that lower landing levels do not necessarily increase spawning stock biomass (but that) there is a possibility that the stock may be able to take greater advantage of favorable environmental conditions if a larger percentage of spawning adults remain in the population.*” This possibility needs to be balanced with the economic effects in our communities of the draconian cuts in the fishery being proposed by some who are involved in this process.

The board proposes these new fishing mortality reference points after the last stock assessment estimated low levels of menhaden recruitment in the terminal two years of the assessment (2007 and 2008). We believe these estimates are far from certain, particularly since the only estimate of juvenile abundance that exists for this stock are landings from the commercial seine haul fisheries in the Potomac River region, which can hardly be believed as representative of the reproductive capability of the entire coastal stock complex that extends from North Carolina into the Gulf of Maine.

Since the last assessment, we understand that NMFS officials at the Beaufort Lab have indicated that the 2008 year class was above average and that the 2009 year class was well-represented in the 2010 catch. Beaufort’s most recent report also indicated a strong 2010 year class. These recruitment trends are supported by the very good catches of menhaden we have seen since the last assessment was performed. Unfortunately, the management board has yet to receive estimates of recruitment from its technical committee, after the 2008 fishing year, and the PID is silent on recent recruitment trends, which paints an overly-pessimistic picture in our view.

Even though the stock is not believed to be overfished, and would seemingly not need to be rebuilt, the primary focus of the PID, however, seems to be on reducing fishing for menhaden to the target level, over a one, three, five or ten year schedule. Since the Atlantic menhaden coastwide resource is not overfished, however, it is difficult to understand why the Commission’s major focus is on realizing the target (normally relevant as a rebuilding target by the Commission, as we understand it) and not primarily focused on getting fishing effort below the overfishing threshold reference point – if it turns out, after this year’s assessment update, that overfishing is believed to be occurring today.

Of course, until we can be informed by an assessment update, it is impossible to know how significantly current fishing activity may have to be reduced, if at all. We encourage the Commission to schedule another benchmark assessment for Atlantic menhaden as soon as possible so that the best science available, and the most recent information – including data from the aerial survey performed by the University of New England this summer - can be used to manage this decades-old fishery into the future.

The PID includes tables projecting “constant landings scenarios”, which seem irrelevant since they are not informed with either a stock assessment update or recruitment updates, as we understand the projections. As many board members at the February meeting believed would be the case, these tables have produced significant confusion at the public hearings we have attended.

The PID also asks for comments on two proposed levels of risk assessment, without any context about what levels of risk ASMFC uses for other species under its management authority. Also, even though this information has been requested by members of the Atlantic menhaden Advisory Panel (AP), the PID is silent on how many other ASMFC stocks are being managed to the target fishing mortality rate, or to the threshold mortality rate, and what implementation timelines are involved in managing those stocks. Without this information, it is difficult to understand whether or not the menhaden fishery is being proposed to be curtailed in a manner that is unique or common to the ASMFC process. There seems to be significant confusion over these issues, even among members of the Atlantic Menhaden Management Board.

Although these questions persist, it is our suggestion, given what we know about the resource and understand about the process, that a 3-year timeframe should be used to reduce F to the threshold fishing mortality level and, if necessary to rebuild the stock, a 10 year time frame should be used to reduce F to the target fishing mortality level.

Timely and Comprehensive Catch Reporting

The PID explains, “*(t)he current catch reporting requirements for the Atlantic menhaden fisheries do not provide timely or complete data for use by managers and scientists, particularly the bait fishery.*”

This fact is precisely why we are suggesting that a 3-year timeframe be used by the Commission to reduce F to the threshold fishing mortality level, if the assessment update indicates that overfishing continues under the new reference point. The timing of the implementation of a ‘hard Total Allowable Catch’ management scenario should adequately take into account the ability of the states to monitor it, otherwise overages and other problems will almost certainly occur, with significant negative consequences and uncertainty accruing to fishermen, plant employees and our communities in the meantime.

In response to the PID’s request for comment on how the states’ landings reporting systems should be improved to provide timely and comprehensive catch information, we recommend:

- The use of electronic reporting technology including a requirement that VMS be used onboard catching vessels, and that IVR or web-based reporting be used by vessels to report catch. Landings should be attributed to the catcher vessel;

- A requirement that harvesters report daily and that dealers report weekly (as is currently required in the Atlantic herring fishery), including permit sanctions for intentional failures to report;
- A requirement that harvesting reports include a description of the gear used and areas fished, including whether or not the fish came from Federal or state waters (so that Federal catches can be accumulated to determine if joint management between the Mid-Atlantic Fishery Management Council and ASMFC may be appropriate as is the case in the Atlantic herring fishery);
- A requirement that states regularly sample catches so that appropriate biological information can be gathered to assist in stock assessment and;
- Provision for the use of carriers in the fishery with care taken to ensure that fish that are harvested and placed on carriers are not double-counted.

Recreational Fisheries Management Tools

We recommend that the current MRIP reporting requirements be expanded to require recreational fishermen to report menhaden caught directly for bait or other uses. Reporting by the recreational fishery should only apply to fish that are immediately caught and not menhaden that were purchased for bait, consistent with the recommendation of the AP.

Commercial Fisheries Management Tools

Our comments follow the order of options presented in the PID.

Trip Limits

We are not supportive of trip limits in the menhaden fishery, other than the establishment of an incidental catch allowance that would be implemented following the exhaustion of an annual quota. An incidental catch allowance should be in the neighborhood of 500-1000 pounds and would prevent the discard of menhaden from flounder or other fisheries late in the season, which can have significant value, even in relatively small quantities.

Gear Restrictions

In states' waters, gear restrictions may be important but should remain consistent with existing state regulations. For example, New Jersey limits the length of menhaden purse seines to 150 fathoms (900 feet) and Rhode Island limits the size of cast nets that can be used to catch menhaden in certain areas. Developing coastwide standards, within state waters, could be useful but there needs to be a broader discussion that involves the industry before a suite of changes occur. We do not support the ASMFC establishing Federal waters catch restrictions.

The menhaden fishery is a small mesh fishery so that the targeted fish can be retained. We do not believe mesh size regulations designed to capture specific age classes would be successful in this fishery. Also, the bait fishery catches some of the largest and oldest fish of the coastwide catches so mesh size limits seem particularly unnecessary to us.

Since some states use mesh size limits in the fishery and some do not, creating a coastwide standard in the fishery may be appropriate, in states' waters, but should take into account investments that have already been made; any changes should be phased in over time to minimize the potential for expensive gear changes to be required before existing gear would be phased out through normal wear and tear.

Season Closures

We do not support seasonal closures, since the menhaden fishery is a seasonal fishery, although there may be value in limiting the days of the week, or times of the day, that menhaden fishing occurs, to minimize conflicts with other user groups in state waters. For example, New Jersey does not permit menhaden seining on weekends (Saturdays or Sundays) or on specific National holidays when the public is more likely to share the fishing grounds. Also, New Jersey does not permit fishing between sunset and sunrise; to minimize conflicts with fixed gear that cannot be seen at night, which could have some value if applied throughout the states' waters fishery. New Jersey's restrictions could be of value in other states but we do not support their extension into Federal waters.

Quotas

We support the establishment of a coastwide Total Allowable Catch that would not be allocated between the States and would not be allocated between the reduction and bait fisheries. We believe that the mechanical aspects of a coastwide quota need to be developed over time, with significant input from affected parties and after evaluating anticipated social and economic effects on fishing communities and fishing jobs.

An incidental catch allowance should be established so that, once some percentage of the directed fishery is taken and the fishery is 'closed', menhaden could be retained for sale and not have to be discarded in another, directed fishery.

Both underages and overages should be used in the quota system so that a sustainable amount of catch would be available to fill existing markets from one year to the next. The application of an underage should mirror the existing Chesapeake Bay cap in the reduction fishery.

Although New Jersey's menhaden fishing season begins on January 1, fish are normally not available before May so a coastwide quota that begins April 1 or May 1 may be appropriate to match the availability of the resource with market demand. Although the majority of menhaden fishing is done before December 1, the season should extend coastwide through December 31 to accommodate the New Jersey gillnet bait fishery and pound net fishery, which can continue into December when individual menhaden are extremely valuable to recreational fishermen targeting striped bass. Another approach could be to establish a set aside for these fisheries, which normally take only a small percentage of the resource but the fish have a high value both to the fisherman and recreational anglers.

We are not supportive of establishing ITQs or IFQs in this fishery, which would be difficult to do in any case since the states' reporting systems are inconsistent and incomplete in some cases.

Effort Controls

Management measures should be consistent in the bait and reduction fisheries.

We are not in favor of establishing a days-at-sea program to reduce effort in the fishery due, primarily, to the seasonal nature of the fishery. As indicated above, restricting fishing to weekdays in state waters can work to reduce conflicts between user groups on the fishing grounds and will work to stretch out a quota through the end of the fishing year, to some extent. As a coastwide quota system is implemented, the use of additional days out of the fishery may be of benefit, similar to what is done in the herring fishery, but it seems premature to establish a days out program in the menhaden fishery at this time.

Limiting vessel size increases when they are rebuilt or replaced can also work to restrain effort in the fishery over time. New Jersey's 10% limit on length and tonnage, and a 20% limit on horsepower, might be appropriately applied coastwide, although registered and net tonnage has little relationship to what a vessel can hold. A limit on increasing hold capacity is being implemented in the Atlantic mackerel fishery, which could also have an application in the menhaden fishery in the future.

Limited Entry

This is the first thing ASMFC should establish, coastwide, as a hard TAC is established in the menhaden fishery. Setting a control date upon implementation of Amendment 2 may be an appropriate way to establish a limited entry baseline and the program should reach all gear types. As limited access rights are established throughout the states that harvest menhaden, it is also important to establish provisions for limited access permit transfers, to facilitate continued investment in the fishery and allow retiring vessel owners to realize the value of fishing operations they have invested in and developed over time. Promoting future investment within a limited pool of permit holders will also lead to the maintenance of a safer fishing fleet.

De Minimis Requirements

We support amending the FMP to allow states to identify themselves as a "de minimis" state, which would exempt the state from certain, specified requirements by the Board. We also strongly support amending the FMP to restrict a "de minimis" state from voting on the Management Board. The coastwide reporting system should monitor de minimis states' activity to determine the level of landings that may be occurring there. Catch monitoring and reporting should be required if a state's status would change, and voting privileges would be restored.

Social and Economic Impacts

The Amendment 2 document will not be complete without a thorough social and economic analysis of management measures that may be selected by the board, as applied to both the reduction and bait fisheries. We understand that the Commission's Committee on Economics and Social Sciences has been tasked to ensure that this is done and we appreciate the Board's commitment to expand this portion of the Amendment. The lack of this information in the PID makes decision making particularly difficult at this time.

Thank you for your attention to and your consideration of our concerns and recommendations.
We look forward to continuing to work with the Commission to maintain a sustainable Atlantic menhaden fishery in the region.

With best regards,

Jeff Reichle

Jeffrey B. Reichle
President

Michael Waine

Fishery Management Plan Coordinator

Atlantic States Marine Fisheries Commission

1050 North Highland Street, Suite 200A-N

Arlington ,Virginia 22201

Menhaden PID

April 16,2012

Dear MrWaine,

Thank you for the opportunity to comment on a fishery that is very important to me, as a bait dealer, but also to many friends and family who are lobstermen and part of my community. As a community, this little fish has been an important part of the economy for many years. Being at the northern end of this species range, we have had inconsistent landings over the years, but when conditions are right the menhaden come and we catch them. It provides a much needed supply of bait for our lobstermen and in the past has supplied fishermen looking to get away from ground fishing to fish Menhaden.

I think we all recognize the need to protect Menhaden; we would be silly to think we should catch every fish in the sea. However, I would like to see that we get some better stock information and also realize how many environmental factors affect them, before severely reducing fisherman's ability to catch them.

I have provided my comments to the draft below.

In regards to ISSUE 1 Timeline

I feel that at this time, the plan seems a bit premature in its development and is being put forth at a pace that does not allow for proper consideration. It also arrives prematurely in that there has not been proper reporting for the fishery and more importantly it would appear that as the new stock assessment is due to be completed this year could show that we do not need these cut-backs. There is much information missing and slowing down this process would allow for better information gathering.

ISSUE 2 Catch Reporting

I feel that that more timely reporting should be achieved, and address this later in this letter through the options. I would encourage the committee to implement mandatory daily reporting. Probably via call in system.

ISSUE 3 Recreational Tools

At this time I feel no further restrictions should be placed on the recreational fishery as it is small enough at this time to not have a real impact on the stocks.(It should be noted that we only had one recreational interest present)

Below are my comments, although I feel it difficult to comment with so little information available as to the status of the stocks and true catch information.

ISSUE 4 Commercial Fisheries Tools

Option 1 Status Quo

I do not support status quo.I truly recognize the need for some changes in the fisheries that will be addressed later in the letter.

Option 2 Trip Limits

I support trip limits, at least in the local bait fishery and suggest using something similar to what Maine has done and add to it. That suggestion would be, 250,000 pounds per day per carrier vessel. A 10% overage could be applied to the next day's catch, but never to be carried past a second day .It should be noted that, a larger catch, can be given to another carry boat, waiting for catch from another vessel.

I would add that we would insist on daily reporting for for tally of catch.

OPTION 3 Gear Restrictions

At this time I do not support gear restrictions. I think the individual states can do a better job as they know their own area , many times gear IE seine length is restricted by bottom depth etc.

OPTION 4 Season Closures

I only support when necessary, IF in a given year, final TAC reaches 80% catch. Shutting the fishery down when catch reaches this.

OPTION 5 Area Closures

I do not support closures at this time.

OPTION 6 Quotas

TAC -

In general I feel it is premature to be setting TAC's and feel that setting new reference points which may translate to TAC,s needs further work and review, before discussing.

ALLOCATION-

In general, the thought of allocation, by any means is a frightening thought for the region. I do not know how allocation could be made in such a large geographical area and furthermore with a species that is usually cyclical in its range. Again I want to call attention to the fact that we do not have consistent landings because of fish behavior

I would want allocation that would fluctuate with the fish, IE a set-aside per say, that would save fish in our region to guarantee that our southern fellow fishermen did not catch the entire quota before the fish reach our waters. The set-aside would be returned to the southern boats if it did not reach us by a certain date.

I would also suggest that date for allocation be set far enough back to incorporate our last big years in the mid 80's to 90,s.

- A) By fishery- I would support allocation by fishery, IE bait and reduction only
- B) By state or region- I would not support further separation of regions other than that already in place.
- C) By state or federal waters- no comment
- D) By gear- I would support separate allocation for weirs, traps and gill-nets and would want a set-aside for this fishery
- E) Transferability among entities- I would first want these entities defined BEFORE discussing. I would like to avoid having a fishery owned by corporations that are able to buy up small boat permits.
- F) Underage and Overages of Quota- I would suggest status Quo or only consider paybacks and rollovers for 1 year and not accumulate for longer periods.

- G) Catch Shares, ITQ's- I oppose this again for the reason of our very limited landings history.
- H) Monitoring Requirements- I fully support daily reporting and recognize the immediate need for better reporting in this fishery.
- I) By- catch Allowance- As in all fisheries there should be some by catch allowance. What the percentage should be, to be determined.

OPTION 7- Effort Controls

This is addressed earlier and boats should be regulated in their catch the states should determine this.

OPTION 8- Limited Entry

I would support limited entry in general. How it should be done I am not sure. I think it would be best if each state addressed it in their waters.

In closing, I feel, as stated previously, that this is a very short timeline, given the lack of information in this fishery, and its importance to many communities and their families who depend on not only catching this fish, but using it in various ways. I encourage you and the Committee to remember that as stated in, This Document, strong recruitment classes of menhaden may be dependent on favorable environmental conditions, which probably have as much or more effect on these fish than the fishermen.

I look forward to having more input in this process as a citizen and as an advisor to the committee. Thank you

Respectfully Submitted by:

Jennifer S Bichrest

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April 20, 2012

Michael Waine
Atlantic States Marine Fisheries Commission
1050 N. Highland St., Suite 200 A-N
Arlington, VA 22201
Via Email: mwaine@asmfc.org
Re: Menhaden Draft Addendum V to Amendment 1

Dear Mr. Waine,

I am a member of the Menhaden Advisory Panel and an owner of Regal Marine Products Inc., a Wholesale Bait and Tackle distributor in NY. Our business serves over 300 Bait and Tackle shops from Cape May, NJ through Providence, RI. Menhaden plays a major role in our industry. It is not only one of the primary baits that we sell for both inshore and offshore applications, but also a primary source of forage for the species we recreationally fish for. As a wholesale bait distributor, we walk both sides of the fence watching closely to protect the harvest of menhaden for use as bait, as well as maintain an appropriate balance in its' forage role.

Regarding the time frame for a reduction, I believe it would be too drastic to implement a one or three year timeline. While the future health of the fishery needs to be maintained, the health of the industry needs to be taken into account as well. The current status of the menhaden stock is that it is not overfished, but overfishing is occurring. Reductions have already been put in place in 2012 to help reduce landings and address the overfishing issue. Therefore I would agree with a five year or ten year timeline to reach the target F. The reduction should initially be constant across the years to spread it out, while adjusting the reduction up or down in the later years if need be based on updated assessments.

Regarding the timely and consistent reporting, I believe that a standardized system needs to be implemented so that the landings data is properly collected to reflect accurate data. In this technological age it is not unreasonable to expect weekly reporting so that the fishery can be managed on a timely basis. Since I am not specifically in the commercial field, I do not wish to suggest what manner I think is most appropriate. However, during our last AP conference call, it seemed that there was consensus, especially among those in the commercial industry to improve the reporting system among states so that there can be an accurate data pool in which to properly manage the fishery. There was frustration that there was no consistency and that data was available that was not being properly utilized. I would simply agree that a consistent and timely system must be implemented in the immediate future. The manner in which it is achieved – VMS, IVR, SAFIS – I will leave to the stakeholders involved.

Regarding recreational management measures for Menhaden, I believe that no recreational management measures should be implemented at this time. Much of the bunker is purchased at bait shops. This fish has been purchased either direct from a harvester or through a wholesaler who has purchased from a commercial harvester. The harvest of these fish has already been reported from the commercial harvester. While the intent of the recreational management is on fish harvested by the user, here are some issues of concern:

Was this fish purchased from a shop? If so it has already been documented.

Do they need a receipt to prove purchase?

If intercepted for MRIP – What was harvested during the trip? What was store bought?

Not only does this impose enforcement issues and burden on shops owners for additional documentation, but there is certainly concern of fish being double counted.

If size limits were implemented, are they going to be the same size limits as the commercial industry? As there will be fish that are harvested during a recreational fishing trip as well as those purchased at a bait shop that came from commercial fishermen.

Another option is to have a bag limit on the amount of fish harvested by the recreational fisherman. However, how will

you discern which ones were purchased and which harvested by the recreational user? Receipt of purchase? Would it not be a restriction of commerce to restrict the possession of fish legally purchased. Those that were commercially harvested and recorded. Can you only buy 5 lbs. of fish at a fish market? Again, I understand the intent is on what has been harvested during the course of a trip, but there will be confusion. Leaving many questions left in the hands of ECL officers and MRIP interviewers. A gear restriction could come into play to restrict a recreational fishermen from taking hundreds of pounds for personal use. In that case is it personal or commercial? Is his intent to use it or sell it?

Although seasonal or area closures could work if someone was intercepted as they were harvesting, what about those fish purchased at a shop. Those fish would have been purchased from a commercial harvester and again previously recorded. Obviously we are looking at frozen product previously harvested. But will recreational fishermen be faced with an issue of possession of this product if intercepted? If the product has thawed, will they have to prove point of purchase? These are scenarios that are not the intent of the proposed recreational management measures. However, all these possibilities and confusing situations must be analyzed.

Millions of pounds of Menhaden are being harvested by the commercial industry. They are being used by the reduction fisheries in the food industry, bait for the commercial industry and a portion for use in the recreational fisheries. While fish are being harvested by recreational fishermen during the course of fishing trips, many fish are also being purchased for fishing trips. This can lead to double counting and much confusion. With the fishery not being overfished, and reductions being implemented to address overfishing, I do not believe that a slate of recreational management measures should be introduced at this time.

Regarding the options for commercial management, I certainly have concerns over the increased catch in recent years, most notably through the reduction fleet. There is certainly a push in the pharmaceutical and health field for products with fish oils. In addition, decreases in the Herring fishery have put added pressure on the Menhaden for bait. I do not necessarily believe that all sectors should necessarily be managed across the board. However, at this time I think it is premature to institute any of the options listed until further research on the socioeconomic impacts have been done. These options are very broad and do not adequately indicate the impact to the different stakeholders. The only option I could see at this time is quota based management if it gave the commercial fishery more flexibility in meeting the current harvest levels. However, I have concerns on setting state by state allocations. As I have seen other states hurt in other fisheries, and locked into allocations, based on poor historical data. I believe that the timetable on instituting these measures is being rushed before all the data has been analyzed. Not only is an updated stock assessment scheduled to be available in August of 2012, but the PID itself states that there is data lacking to "accurately assess the impacts of specific measures". Some of these options could have severe socioeconomic impacts. Without the data to review the impacts, these options cannot be chosen lightly, especially in a fishery with such historic value. In addition, new reference points for F were only just instituted in November of 2011 to the fishery. Not even one fishing season has gone by to see the impact of this change. I am apprehensive to recommend any major commercial management changes without the complete data picture of how it impacts the stakeholders.

Sincerely,

Melissa Dearborn

Melissa Dearborn
Vice President
Regal Marine Products, Inc.

Hi Michael,

I had to schedule a doctor's appointment at the time of the AP conference call. However, I would like to go on record as being in favor of the following: 1. A one year time frame for achieving the new target F. 2. Menhaden landings should be adjusted such that the probability of achieving the new threshold and target is at least 0.75.

Thank for letting express my view.

Tom Ogle
Menhaden AP ASMFC

Amendment 2 Guidance Document

This document was developed to help the Atlantic Menhaden Board provide guidance to the Plan Development Team in drafting the Amendment 2 public hearing draft document.

Issue 1. Achieving the F Target

Given that the current fishing mortality rate $F_{2008} = 2.28$ exceeds the fishing mortality threshold $F_{15\%MSP} = 1.32$, and target $F_{30\%MSP} = 0.62$, the Board must take steps to reduce F to the target level.

Step One: Timeline to achieve the target

- Should Amendment contain options to achieve the target F over 1, 3, 5, 10 or some other number of years?

If the Board takes multiple years to achieve the target then:

Step Two: Harvest Reductions

- Should the Amendment consider a minimum and/or a maximum probability of achieving the target?
- Should there be equal reductions each year?
- Should more reduction occur in early years, less in later years?
- Should less reductions occur in early years, more reduction in later years?
- Should the Board annually select the amount of reduction?

Issue 2: Catch Reporting

The current reporting structure has led to uncertainties in the bait fishery landings history for Atlantic menhaden. There are electronic based reporting options that could be used to significantly improve reporting with only modest burden of the fishermen and/or dealers.

Should the Amendment consider changes to the catch reporting requirements? If yes:

- Should harvesters have to report? If so on what time frame?
- Should dealers report weekly, bi-weekly, or monthly?
- Should the reporting requirements match the ACCSP standards?
- Should there be observer coverage requirement for the commercial fisheries?

Issue 3: Recreational Fishing Measures:

The recreational catch, as recorded by NMFS is less than 0.05% of the total coastwide harvest.

Should the Amendment consider limiting the recreational catch? If yes:

- Should there be a season limit?
- Should there be a bag limit?
- Should there be a size limit?
- Should there be gear restrictions?

Issue 4: Commercial Fishing Measures:

Step 1: Should the Amendment consider limiting the commercial catch?

Step 2: If yes, should the Amendment consider limiting the catch using one or more of the following seven tools? How should these tools be applied to the both the bait and reduction menhaden fisheries?

Tool 1 Quotas: Should the amendment consider using quotas to limit the amount of fish allowed to be caught by year or season? If yes:

- How should allocation be established?
 - a) By fishery - guidance on how to set allocation (e.g., Historical reference years. Historical bait harvest is limited)?
 - b) By state or region?
 - c) By state/federal waters?
 - d) By gear- (e.g., purse seines, gill nets, pound nets)?
- Should transferability be considered?
- Should there be payback of overages and/or rollover of underages?
- Should there be catch shares, ITQ, IFQ (Allocation formula for ITQ, catch share, IFQ (i.e. historical catch, vessel size based, combination of these two, etc)?
- Should there be a bycatch allowance?
- Should there be mulit year specifications (set the quota for more than one year)?

Quotas are the most direct method to manage towards an F target. When used alone, in its simplest form, a quota has potential to create a derby fishery. A negative aspect is that and they can create discard mortality of menhaden bycatch in directed fisheries for other species after the quota is met. Additional monitoring requirements would be needed for the bait fishery.

Tool 2 Trip Limits: Should the amendment consider using trip limits to restrict catch by using a maximum poundage allowance per trip or day? If yes:

- Should trip limits be implemented by individual trip or by day because of the possibility of multiple trips within a day exists or multi-day trips?
- Should they be implemented by fishery type (bait or reduction)?
- Should they be implemented by gear type (purse seines, pound nets, gill nets)?

A benefit of trip limits when used in conjunction with quotas is that they allow some measure of catch rate control. They also allow for the allocation of specific areas of the fishery based on performance. A negative aspect of trip limits is that they can create discard mortality with most fishing gears. They can be difficult to enforce and monitor due to the magnitude of the catch in the menhaden fishery.

Tool 3 Gear Restrictions: Should the amendment consider using gear modifications to restrict the amount of catch (e.g., mesh size, seine size)? If yes:

- What types of gear should be considered? (e.g., gill nets, purse seines) (Need gear selectivity studies that justify the use of gear modifications; for example, mesh size can be implemented to minimize the harvest of immature fish)
- Should there be area or season closure by gear?
- Should there be a designation of allowable gears, could be for directed or bycatch purpose?

A benefit of gear restrictions is that they are easily enforceable measures by gear type. Significant amount of research would need to be done before gear restrictions could be implemented.

Tool 4 Season Closures: Should the amendment consider using season closures by limiting season length (fishing days) to certain time periods? If yes:

- Should the closures be by fishery type?
- Should fishing prohibited on specific days of the week (days out)?
- Should there be removal of passive gear types during closures for directed, non- directed gear or both?

A benefit of season closures is that they are easily enforceable. A negative aspect is that they can create menhaden bycatch in directed fisheries for other species.

Tool 5 Area Closures: Should the amendment consider using area closures by prohibiting fishing in specific areas? If yes:

- Should the spatial distribution of the stock be considered to implement the most effective area closures (e.g., consideration of nursery areas)?

Area closures have the potential for creating protection for immature fish, spawning stock and the protection of ecosystem services. A negative aspect is that they can create discard mortality of menhaden bycatch in directed fisheries for other species.

Tool 6 Effort Controls: Should the amendment consider using effort controls to limit harvest in the fishery? If yes:

- Should days at sea be considered?
 - a) The amendment would need to consider the number of days fished, vessel size, fleet size
 - b) By fishery, gear type, vessel type, state?
 - c) This would require historical estimates of catch rates. If VMS is required, monitoring could be expensive (especially for smaller vessels).
- Should vessel restrictions be considered (upgrades, size, capacity)?
 - a) The amendment would need to consider vessel characteristics to define effort.

Tool 7 Limited Entry: Should the amendment consider using limited entry to restrict the number of participants permitted to fish for Atlantic menhaden? If yes:

- What control dates should be considered?
- What should the entrance criteria contain (e.g., based on participation, demonstrated dependence on the fishery)?

- Should the permitting system be by state?

Limited entry will give a fixed number of entrants and gear types for the fishery thus creating a known universe of participants. When establishing a baseline of entrants, it can be difficult to maintain fairness.

Issue 5: *De Minimis*:

Under the *de minimis* provisions of the ISFMP Charter, a state may be granted *de minimis* status (exempting it from certain, specified requirements by the Board) if, under existing conditions of the stock and scope of the fishery, conservation and enforcement actions taken by the state would be expected to contribute insignificantly to a required coastwide conservation program (ASMFC 2000). *De minimis* status could exempt a state from certain commercial, recreational measures, or monitoring requirements of a FMP.

Step 1: Should the Amendment consider *de minimis* criteria?

Step 2: If yes, should the criteria be specific to the commercial bait, commercial reduction and recreational fishery?