

Atlantic States Marine Fisheries Commission

Atlantic Menhaden Management Board

October 19, 2021

1:15 – 5:15 p.m.

Webinar

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

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|---|-----------|
| 1. Welcome/Call to Order (<i>S. Woodward</i>) | 1:15 p.m. |
| 2. Board Consent | 1:15 p.m. |
| • Approval of Agenda | |
| • Approval of Proceedings from August 2021 | |
| 3. Public Comment | 1:20 p.m. |
| 4. Provide Guidance to the Technical Committee and Ecological Reference Points Work Group on Priorities for Completing Next Benchmark Stock Assessment (<i>M. Cieri</i>) Possible Action | 1:30 p.m. |
| 5. Break | 2:15 p.m. |
| 6. Progress Update on Development of Draft Addendum I to Amendment 3 (<i>K. Rootes-Murdy</i>) Possible Action | 2:30 p.m. |
| 7. Update on 2020-2021 Atlantic Menhaden Mortality Events (<i>J. Brust</i>) | 4:30 p.m. |
| 8. Other Business/Adjourn | 5:15 p.m. |

MEETING OVERVIEW

Atlantic Menhaden Management Board

Tuesday, October 19, 2021

1:15 – 5:15 p.m.

Webinar

Chair: Spud Woodward (GA) Assumed Chairmanship: 03/20	Technical Committee Chair: Josh Newhard (USFWS)	Law Enforcement Committee Representative: Robert Kersey (MD)
Vice Chair: Mel Bell (SC)	Advisory Panel Chair: Meghan Lapp (RI)	Previous Board Meeting: August 4, 2021
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS (18 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from August 4, 2021

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Provide Guidance to the Technical Committee and Ecological Reference Points Work Group on Priorities for Completing Next Benchmark Stock Assessment (1:30-2:15 p.m.)

Possible Action

Background

- In February, the Board tasked the Technical Committee (TC) and Ecological Reference Points Work Group (ERP WG) with identifying data and modelling needs to develop a spatially-explicit model that could help inform management in the Chesapeake Bay.
- The TC and ERP WG met in March and discussed data needs and potential timelines depending on the management objectives the Board wants the next benchmark stock assessment to address. **(Briefing Materials)**
- The Board had a preliminary discussion in August on priorities and considerations for the completing the next benchmark stock assessment.

Presentations

- Decision Tree for Guiding next Benchmark Stock Assessment by M. Cieri

Board Actions for Consideration

- Provide Guidance to the TC & ERG WG on the next benchmark stock assessment.

5. Break

6. Progress Report on Development of Draft Addendum I to Amendment 3 (2:30-4:30 p.m.) Possible Action

Background

- In August, the Board initiated a draft addendum to consider changes to commercial allocations, the episodic event set aside (EESA) program, and the incidental catch and small-scale fisheries provision. The action responds to the Board work group (WG) report on potential strategies to evaluating in changing provisions of the current management program.
- The Menhaden Plan Development Team (PDT) met six times in September and October to develop a memo outlining draft statement of the problem, objectives, considerations, and management alternatives for each topic based on the Board WG Report (**Supplemental Materials**). The memo is intended for the Board to review and provide guidance to the PDT in further developing the draft addendum.

Presentations

- Progress Report on Draft Addendum I by K. Rootes-Murdy

Board Actions for Consideration

- Provide Guidance to the PDT on further development of the draft addendum.

7. Update on 2020-2021 Atlantic Menhaden Mortality Events (4:30-5:15 p.m.)

Background

- In August the Board received public comment on a number of menhaden mortality events that have occurred in multiple states this year. The Board requested staff work with U.S. Fish and Wildlife Service to provide a summary of these events at the Annual Meeting.

Presentations

- 2020-2021 Atlantic Menhaden Mortality Events by J. Brust

8. Other Business/Adjourn



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: Atlantic Menhaden Management Board
FROM: Atlantic Menhaden Plan Development Team
DATE: October 8, 2021
SUBJECT: Progress Report on Draft Addendum I to Amendment 3

At the 2021 Summer Meeting, the Atlantic Menhaden Management Board initiated draft Addendum I to Amendment 3 to consider changes to commercial allocations, the episodic event set aside (EESA) program, and the incidental catch and small-scale fisheries provision. A Plan Development Team (PDT) was formed to develop management alternatives based on recommendations from the August 2021 Menhaden workgroup (WG) report. This memo summarizes the PDT work and seeks Board guidance to aid the PDT in continuing development of the Draft Addendum. Specifically, the PDT requests the Board clarify the objective under each topic and provide feedback on the goals of draft management alternatives to ensure that issues important to the Board are addressed.

The PDT developed the WG report's proposed strategies into management alternatives. Each section below includes 1) a statement of the problem based on issues identified in the WG report 2) a draft objective to address the statement of the problem and guide developing and selecting management alternatives (for the Board to confirm or adjust as needed); 3) draft management alternatives and goals the Board is seeking to achieve; and 4) Key questions the PDT needs the Board to address. The PDT is seeking Board feedback on these issues for each topic. Please note that a status quo option will be included in the addendum per ASFMC policy, but are not listed below for brevity.

The PDT notes the following topics are interconnected and that decisions made for one topic will impact alternatives under other topics. For example, increasing a jurisdiction's minimum allocation and/or redirecting latent quota could reduce a jurisdiction's dependence on harvest under the EESA, and vice versa. Conversely, increasing the EESA set aside may alter a jurisdiction's need for quota transfers or incidental fishery landings. Because of this interconnectedness, without Board guidance on the objectives under each topic, the PDT is challenged in developing a clear management document the public will be able to effectively provide feedback on and the Board to take final action on.

M21-115

Issue 1. Commercial Allocations

Statement of the Problem: The current allocations have resulted annually in the Total Allowable Catch (TAC) not being fully landed, while at the same time some jurisdictions do not have enough quota to maintain directed fisheries. Quota transfers alone are not enough to ameliorate this issue. Some jurisdictions have become reliant on the EESA and incidental catch provision to maintain their fishery while other jurisdictions regularly do not land their allocation.

Objective: Allocations should be adjusted to 1) align with recent availability (not long-term “average” availability) of the resource 2) ensure jurisdictions can maintain directed fisheries with minimal interruptions during the season; 3) reduce the need for quota transfers and; 4) fully utilize the annual TAC without overage.

Draft Management Alternatives

A. Fixed Minimum Allocation

Goal: Adjust the minimum quota allocation amount to address latent quota for jurisdictions that don't have directed fisheries or whose landings have consistently been well below the fixed minimum.

Please note: these alternatives are decision points to make in conjunction with the *Timeframe for Allocating Remaining Available TAC*

- 1) Reduce fixed minimum allocation (0.1% - 0.3%): This approach would reduce the fixed minimum of 0.5% to 0.1-0.3 % for all jurisdictions. These options seek to redistribute latent quota from the original fixed minimum, however, they could also lower the minimum allocation given to jurisdictions that are currently using it. If paired with a more recent allocation time frame, the additional fixed minimum would shift to jurisdictions that have seen an increase in landings over that time frame. **Board Input: Is a fixed minimum of 0.1-0.3% the appropriate range of options?**
- 2) Fixed minimum tier approach: This approach assigns tiers of fixed minimum allocation based on the percentage of historical bait landings a jurisdiction achieved during the reference period. An example of a three tiered approach, when compared to bait landings from 2009 to 2020, tier 1 could include jurisdictions landing 0.1% or less of the average coastwide landings, tier 2 could include jurisdictions landing more than 0.1% but less than 0.2% of average coastwide landings, and tier 3 could include jurisdictions landing 0.2% or more of average coastwide landings. In this example, percentages of the TAC for tiers one through three would be 0.01%, 0.2%, 0.5%, respectively. Tier 1 jurisdictions (n=3) would have never been short of quota during the time period and tier 2 jurisdictions (n=4) would also receive some quota based on the time frame selected, making allocation shortages for these jurisdictions rare. This approach would reduce latent quota, but not reduce the percent allocation to jurisdictions currently utilizing their fixed minimum quota. **Board Input: This approach requires a system to equitably**

place jurisdictions in tiers and the PDT requests further guidance on what criteria could be used to accomplish this.

Key Questions to the Board:

- Does an overall reduction in the fixed minimum quota align with the Board’s goals for this topic? If yes, is there a range of options the Board would find most applicable?
- Does the tiered fixed minimum approach meet the Board’s goals for this topic?
- Does the Board agree with the approach that fixed minimum quota tiers would be distributed based on bait landings or should the PDT explore total landings instead?
- Does the Board have any suggestions on what criteria could be used to assign jurisdictions into fixed minimum quota tiers, other than average landings?
- Currently 8% of the TAC is distributed using the Amendment 3 fixed minimum approach. Using either of these options to modify the fixed minimum would result in that percentage being lowered. How would the Board envision using this difference – adding it to a set aside program or reallocating it to the remaining available TAC to be distributed based on a timeframe?

B. Timeframe for Allocating Remaining Available TAC

Goal: For the remaining available TAC, allocate the TAC based on timeframes that reflect important periods in the fisheries. Table 1 offers a comparison of the different timeframe alternatives below.

1) Longer Time-Series Average (e.g., 2009 – 2020): This approach considers a broader landings history from all jurisdictions, including times of higher and lower landings, and incorporate more recent years in the timeframe. However, this option may dilute more recent changes in the fishery given the rate of change. **The PDT notes that this option is similar to the weighted allocation approach, and recommends its removal.**

2) More Recent Time-Series Average (e.g., 2018 – 2020): This approach reflects the most recent landings history and is more likely to align with current stock distribution. These strategies do not take into account past landings that likely represented previous stock distributions. If the stock distribution shifts again in the near future, allocation under these options would likely not match fishery performance and would need to be adjusted.

3) Weighted Allocation (e.g., 50% based on 2009 – 2011 and 50% based on 2018 – 2020): This approach considers both recent and historical time frames. Similar to the longer time-series average approach, this may dilute more recent changes in the fishery given the rate of change, but possibly to a lesser degree, due to averaging over fewer years. Weighting of the time periods could be even (50/50) or uneven (i.e. 75/25 in either direction). The weighted allocation

timeframes presented in Table 1 give similar results at a 50/50 distribution. **Board Input: If the Board pursues a weighted timeframe, the PDT recommends the Board select one of the three split time periods in Table 1 to minimize complexity in the document and reduce the number of very similar options. For simplicity, the PDT recommends limiting the weighting options in the draft addendum to 50/50, 75/25 and 25/75, as the Board can select any option within these ranges when taking final action.**

4) Moving Average: This would utilize a three year moving average, lagged by one year to allow finalizing the data, and time to inform jurisdictions of their quota (i.e. 2019-2021 average used to set 2023 allocation). This approach would lag most recent trends slightly, but would continue to adjust allocations percentages through time as the stock and fishery dynamics change. This option could reduce the certainty of jurisdictional allocations, but could also alleviate the need to revisit allocations as often.

Key Questions to the Board:

- Does the Board want to pursue the longer time-series average, which is less likely to match current fishery performance than other timeframe options or can it be removed from the list of options?
- Does the Board want to consider options that only utilize the most current timeframes and not historical landings?
- If the Board believes the weighted allocation aligns with their goals for reallocation, what time frame option does the Board select for further development of this option?
- What suggested weightings of the timeframe would the Board recommend (note: the PDT recommends limiting this option to reduce complexity)?
- Does the Board want to consider the moving average method that may better track fishery performance moving forward and reduce the need to revisit allocation in the future?

C. Other Alternatives

Pooled Quota. Note: this alternative is not listed above because it includes regional allocations. Certain jurisdictions have consistently underutilized their allocation either by having small bait fisheries, no directed fisheries, or no recent landings. To reduce the administrative burden on these jurisdictions and increase utilization of latent quota, they could be grouped and share a pooled quota. Pooled quota jurisdictions may not need to have in-season monitoring as pooled quota percentages would be based on landings history with an added buffer. The WG Report proposed this strategy, yet the Board has shown no interest in moving away from jurisdictional allocations. Table 3 is presented as an example below, if the Board chooses to pursue this concept, other variations could be developed. **Board Input: PDT requests the Board clarify**

whether the PDT should further develop this management alternative for inclusion in the Draft Addendum.

Key Questions to the Board:

- Does a pooled quota approach align with the Board's goals for reallocation given the contradiction between jurisdictional allocations and a pooled quota approach?
- If the Board would like to pursue a pooled quota approach, would the Board like this to be done in smaller groupings, potentially regionally, or would the Board prefer all of these jurisdictions share the same pool?

The following Alternatives have been reviewed by the PDT and are recommended to not be included in the Draft Addendum due to challenges listed below.

Second Best Year Strategy. Similar to the weighted allocation, this approach would utilize a jurisdictions second best landing year from 2009 – 2020 to determine a jurisdictions allocation. The idea behind this strategy is that it may be less of a historical outlier than a 'best year' and therefore better represents current fishing needs. The second best landing year could be used in combination with other strategies such as a fixed minimum or a tiered fixed minimum to produce an allocation scheme that reflects current operational need coastwide. Changes in TAC level and management changes, such as the inclusion of the fixed minimum, during the evaluation time period complicate fairly assessing a best or second best year between jurisdictions. A period of high abundance or availability for a particular jurisdiction may have coincided with more restrictive regulations compared to another jurisdiction, and vice versa. Due to the complications of comparing second best years across jurisdictions from different years, the **PDT recommends that this option not be considered for inclusion in the Draft Addendum.**

Open fishery, then reallocate. Under this approach there would be an open fishery for several years to document the bait fisheries' landing capacity when not constrained by a jurisdictional quota. These years would then be used for calculating base allocations going forward. Upon further evaluation of landings data, there does not appear to be enough extraneous quota under the current TAC for fishery expansion that may occur during the open fishery period, which would risk exceeding the TAC. Therefore, the **PDT recommends that this option not be considered for inclusion in the Draft Addendum.**

Table 1. Percentage of TAC allocated to each jurisdiction by time frame. All values use the 0.5% base minimum allocations established in Amendment 3. Status quo values from Amendment 3 are included for comparison.

Jurisdiction	Timeframes							
	Status Quo	2009-2020	2016-2020	2017-2020	2018-2020	09-11/18-20	09-12/17-20	10-12/18-20
ME	0.52%	1.90%	3.96%	4.45%	5.00%	2.66%	2.36%	2.59%
NH	0.50%	0.66%	0.90%	0.99%	1.14%	0.80%	0.73%	0.79%
MA	1.27%	1.38%	1.76%	1.89%	2.04%	1.64%	1.50%	1.43%
RI	0.52%	0.61%	0.64%	0.65%	0.57%	0.54%	0.58%	0.54%
CT	0.52%	0.53%	0.56%	0.57%	0.58%	0.55%	0.54%	0.54%
NY	0.69%	0.79%	0.90%	0.91%	0.92%	0.80%	0.79%	0.78%
NJ	10.87%	11.54%	11.29%	11.35%	11.25%	11.08%	11.88%	12.43%
PA	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%
DE	0.51%	0.52%	0.52%	0.53%	0.53%	0.52%	0.52%	0.52%
MD	1.89%	1.82%	1.28%	1.16%	1.15%	1.54%	1.71%	1.71%
PRFC	1.07%	1.15%	1.05%	1.05%	1.06%	1.07%	1.13%	1.14%
VA	78.66%	76.32%	74.46%	73.75%	73.07%	75.96%	75.46%	74.74%
NC	0.96%	0.73%	0.63%	0.64%	0.63%	0.80%	0.76%	0.74%
SC	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%
GA	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%
FL	0.52%	0.55%	0.56%	0.55%	0.55%	0.53%	0.54%	0.54%

Table 2. Percentage of TAC allocated to each jurisdiction by year using the three year moving average strategy. The allocation in a given year is calculated using the three year moving average of the years beginning four years prior. (i.e. the 2021 allocations would have been based on the 2017-2019 average). All values use the 0.5% base minimum allocations established in Amendment 2.

Jurisdiction	2013	2014	2015	2016	2017	2018	2019	2020	2021
ME	0.52%	0.51%	0.51%	0.51%	0.51%	0.97%	1.64%	2.76%	3.85%
NH	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.52%	0.85%
MA	1.27%	0.91%	0.77%	0.95%	1.09%	1.13%	1.24%	1.46%	1.69%
RI	0.52%	0.52%	0.52%	0.55%	0.71%	0.72%	0.82%	0.71%	0.69%
CT	0.52%	0.51%	0.51%	0.51%	0.51%	0.51%	0.53%	0.59%	0.59%
NY	0.69%	0.67%	0.68%	0.70%	0.77%	0.79%	0.85%	0.77%	0.72%
NJ	10.93%	13.45%	13.94%	12.81%	10.67%	10.89%	11.25%	11.41%	11.23%
PA	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%
DE	0.51%	0.52%	0.52%	0.53%	0.53%	0.53%	0.52%	0.52%	0.52%
MD	1.90%	2.18%	2.33%	2.52%	2.16%	2.02%	1.71%	1.38%	1.18%
PRFC	1.07%	1.20%	1.30%	1.41%	1.23%	1.15%	1.06%	1.11%	1.06%
VA	78.60%	76.18%	75.57%	76.30%	78.57%	78.04%	77.15%	76.08%	74.92%
NC	0.96%	0.83%	0.80%	0.64%	0.68%	0.67%	0.66%	0.64%	0.65%
SC	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%
GA	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%
FL	0.52%	0.52%	0.54%	0.55%	0.57%	0.57%	0.57%	0.56%	0.55%

Table 3. Percentage of TAC allocated to each jurisdiction by time frame options, with a 0.5% fixed minimum base, using a pooled quota approach for a group of states. This is an example, if the Board wants to pursue this concept, other states could be added to this pool or other groupings could be created.

Jurisdiction	Timeframe							
	2009-2011	2009-2020	2016-2020	2017-2020	2018-2020	09-11/18-20	09-12/17-20	10-12/18-20
ME	0.52%	1.93%	4.02%	4.53%	5.08%	2.71%	2.40%	2.63%
NH	0.50%	0.66%	0.90%	1.00%	1.15%	0.81%	0.73%	0.80%
MA	1.29%	1.40%	1.78%	1.92%	2.07%	1.66%	1.51%	1.45%
RI	0.52%	0.61%	0.64%	0.65%	0.57%	0.54%	0.58%	0.54%
CT	0.52%	0.53%	0.56%	0.57%	0.58%	0.55%	0.54%	0.54%
NY	0.69%	0.79%	0.90%	0.92%	0.93%	0.81%	0.79%	0.79%
NJ	11.15%	11.76%	11.49%	11.55%	11.45%	11.30%	12.11%	12.66%
PA	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%
DE	0.51%	0.52%	0.53%	0.53%	0.53%	0.52%	0.52%	0.52%
MD	1.93%	1.85%	1.29%	1.17%	1.16%	1.56%	1.74%	1.73%
PRFC	1.09%	1.16%	1.06%	1.06%	1.07%	1.08%	1.15%	1.15%
VA	80.28%	77.79%	75.82%	75.11%	74.41%	77.47%	76.93%	76.18%
NC	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%
SC								
GA								
FL								

Issue 2. Incidental Catch and Small-Scale Fisheries Commercial Allocations

Statement of the Problem: The intent of this provision was to provide continued access for low-volume landings of menhaden once a jurisdiction's directed fisheries quota was met. In recent years, menhaden availability at the northern end of its range has resulted in directed fishery quotas being met earlier in the year; coastwide landings under this category have exceeded a number of jurisdictions directed fishery quotas and ranged from between 1-4% of the annual TAC. However, landings under this provision have never caused the overall TAC to be exceeded. The Amendment 3 language has led to various interpretations of which landings fall under this provision (i.e. once a sector allocation is met or full jurisdiction allocation). Without changes, landings under this provision may remain at high levels or increase. An increase in these landings could have the potential to jeopardize overall management objectives.

Objective: Sufficiently constrain landings to achieve overall management objectives such as: 1) meeting the needs of existing fisheries; 2) reducing discard mortality by limiting eligible gear types, 3) indicating when landings can occur and that those landings are not a part of the directed fishery; and 4) establishing trip and season limits.

Considerations: Adding further restrictions to the incidental catch provision could increase discard mortality, reliance of the northern jurisdictions on the EESA, and reliance on jurisdictional quota transfers. Increasing a jurisdiction's minimum allocation could help in alleviating these impacts.

Key Questions to the Board:

- Given the current incidental catch landings trend does the Board want the provision to be an incidental catch only provision or to continue allowing directed small-scale fisheries under this provision?
- If directed small-scale fisheries are allowed under this provision, would the Board rather constrain landings and not count against the TAC or not constrain landings but count against the TAC?

Draft Management Alternatives

A. Permitted Gear Types

Goal: Address the volume of landings under the provision by removing specific gear types

- 1) **No purse seines, all other small-scale and non-directed gears maintained:** The provision would apply to both small-scale directed gears and non-directed gears, but exclude purse seine gears. This alternative is included due to the growth of directed landings from small-scale purse seine gears in recent years (Table 4). Landings from purse seine gears will count against a jurisdiction's directed fishery quota.

- 2) Non-directed gears only: the provision shall apply to non-directed gears only. Under Amendment 3 this includes pound nets, anchored/stake gillnets, drift gill net, trawls, fishing weirs, fyke nets, and floating fish traps.

B. Timing of Incidental Catch Provision

Goal: Address the timing of when a jurisdiction begins fishing under the provision as this impacts the duration that landings occur.

- 1) Sector/fishery/gear type allocation within a jurisdiction is met: Currently, jurisdictions such as New Jersey and Virginia further divide their jurisdictional allocation into sector and gear type specific allocations. The provision would confirm that once a sector/fishery/gear type specific allocation is reached for a jurisdiction, that jurisdiction's sector/fishery/gear type fishery can begin landing catch under the provision.
- 2) Entire jurisdictional allocation met: Once the entire quota allocation for a given jurisdiction is reached, regardless of jurisdictional sector/fishery/gear type fishery allocations, the menhaden fishery moves to an incidental catch fishery.
- 3) Full closure when allocation met, no incidental catch provision: Once the entire quota allocation for a given jurisdiction is reached, regardless of sector/fishery/gear type fishery allocations, the menhaden fishery is closed, and no landings of menhaden are permitted by that jurisdiction.

C. Trip Limit for Incidental Catch Provision

Goal: Limit the annual volume of the incidental catch by reducing the trip limit.

The alternatives below modify the trip limits for incidental catch. **Board Input: The PDT seeks Board guidance on whether adjusting the trip limit is a priority, as it is unclear if these changes alone would result in significant reductions in landings under this provision.** In 2020, 59% of reported trips under the Incidental/Small-Scale landings provision were > 3000 lbs; 49% of trips were > 5000 lbs (Table 5).

- 1) 4,500 lb trip limit (up to 9,000 lbs for two authorized individuals)
- 2) 3,000 lb trip limit (up to 6,000 lbs for two authorized individuals)

The PDT needs further Board guidance whether there is interest in pursuing different trip limit levels for non-directed gears vs small-scale gears.

D. Catch Accounting

Goal: Create a system where annual landings are limited and there is accountability for overages.

Depending on Board guidance to key questions above, landings could be managed either 1) under a catch cap that does not count towards the overall TAC or 2) an annual set-aside of the TAC. Landings data would be reported by the states to the Commission as part of the annual compliance reports. In turn, an evaluation of the catch cap or set-aside would occur no earlier than the spring meeting after the fishing year.

- 1) Catch cap equal to 1% of the annual TAC and 10% trigger exceedance management trigger: Landings under the provision shall have a catch cap equal to 1% of the TAC. The cap is not a set aside and landings would still not count against the TAC. Landings are reported by jurisdictions to the Commission as a part of Annual Compliance Reports. If reported landings exceed the cap by more than 10% in a single year or exceeds the cap two years in a row (management trigger), regardless of the percent overage, the management trigger is reached and the Board must take action reduce incidental landings in the fishery.
- 2) 1% set-aside of the annual TAC. Annual overages would be deducted from the next year's set-aside: Landings under this provision shall count against a 1% set-aside of the overall TAC set annually at the beginning of the fishing season. If the set aside is exceeded in a given year, the overage is deducted from the subsequent year's set aside.
- 3) (Gear type category) Small-scale directed gear types have catch cap equal 1% of the annual TAC and 10% trigger exceedance management trigger. Non-directed gear types would continue to have no catch cap, trigger, or accountability measures.
- 4) (Gear type category) Small-scale directed gear types would have a 1% set-aside of the annual TAC. Annual overages would be deducted from the next year's set-aside. Non-directed gear types would continue to have no catch set-aside, or accountability measures.

The PDT recommends this approach not be included in the draft addendum due to the complexity of the potential options above. The goal of the catch accounting approach can be achieved through a combination of the reallocation alternatives and incidental catch sub-topics (gear restrictions and trip limit) listed above.

Table 4. Annual summary of total incidental landings as a fraction of coastwide TAC; and the fraction of total incidental landings coming from small-scale directed purse seine fishing.

Year	Total incidental landings	Total incidental % of TAC	Incidental landings from purse seine	% of Incidental from purse seine
2017	7,407,441	1.8%	4,291,347	58%
2018	3,290,066	0.7%	2,419,194	74%
2019	10,750,929	2.4%	9,545,747	89%
2020	13,957,206	3.1%	12,332,677	88%

Table 5. Total number of incidental landings trips per year, binned by total landing amount per trip

Year	Landings per Trip							Total Trips
	1-1000	1001-2000	2001-3000	3001-4000	4001-5000	5001-6000	6000+	
2013	1807	286	158	111	130	158	133	2783
2014	3671	516	318	190	206	265	109	5275
2015	3040	551	304	136	130	196	141	4498
2016	1673	184	91	61	53	125	35	2222
2017	1443	267	89	66	83	140	20	2108
2018	495	190	113	56	46	319	5	1224
2019	943	355	182	127	140	1320	46	3113
2020	846	363	266	153	184	1647	106	3565
Total Trips	13918	2712	1521	900	972	4170	595	24788
% of Total Trips	56%	11%	6%	4%	4%	17%	2%	100%

Issue 3. Episodic Event Set Aside (EESA) Program

Statement of the Problem: Over 90% of the EESA has been utilized in all years since 2016. With the increase in Atlantic menhaden abundance to the northeast, the program has become a secondary regional quota for several jurisdictions to continue fishery operations in jurisdictional waters. The dependency on EESA highlights the mismatch of Atlantic menhaden biomass to current commercial allocations.

Objective: Ensure sufficient access to “episodic” changes in regional availability in order to minimize in-season disruptions and reduce the need for quota transfers and incidental harvest.

Key Question for the Board: The PDT is requesting Board guidance on the intended use of this program and defining ‘episodic’. As an example, there is evidence that periodic abundance of menhaden in the Gulf of Maine may last from 1 to 20 years then disappear for 1 to 20 years (Figure 1). Is the EESA program intended to cover only “one off” episodic events, or continue to serve as a secondary regional quota during extended periods of increased availability?

Draft Management Alternatives

- 1) **Eliminate the EESA:** The EESA would be removed from the management program and to address landing menhaden during an episodic event or increased availability, quota transfers would be needed to continue the directed fishery if a jurisdictional quota is met. If redistribution of minimum allocations and changes to the incidental catch provision can sufficiently account for the inter-annual variability in availability, then the EESA could be eliminated. This was not a recommendation from the WG but is included for completeness.

A. Increase the Set-Aside

Goal: in combination with reallocation or separately, ensure the states of ME-NY have increased bait quota for this program to reduce the need for in-season quota transfers or reliance on the Incidental/Small Scale provision in response to the increased presence of Atlantic menhaden biomass in the Northeast.

To achieve this goal, there are two key consideration for the Board:

- 1) **How much to increase the EESA:** The set aside is currently 1% of the TAC. A preliminary analysis suggests a set aside of approximately 3% would cover EESA plus quota transfers for MA-ME in recent years (2018-2020). A higher percentage above 3% would be needed to also cover landings in the incidental fishery from those jurisdictions (Table 4).
- 2) **The source of the increased set aside:** Three options discussed by the PDT include 1) increasing the set aside off the top of the TAC, 2) allowing (or requiring) relinquished quotas to be redirected to the EESA, or 3) utilizing latent quota from restructuring of the fixed minimum allocations (see earlier allocation section). Depending on decisions made on other topics, the first option may reduce the remaining available TAC for jurisdictional allocations (more in the EESA = less available for jurisdictional quotas), and

may alter the need for quota transfers or incidental catch landings. The second option would benefit the EESA without impact to jurisdictional quotas, but may result in annual variability in the size of the EESA if jurisdictions do not consistently relinquish quota to the program. The third option would benefit the EESA without impact to state quotas, but is reliant on the Board selecting an option that frees up latent quota under the fixed minimum allocation.

Questions for the Board:

- Is there a maximum set aside value that should be considered?
- Should the EESA be generated from:
 - 1) initial set aside of the overall TAC or;
 - 2) from annually relinquished jurisdictions quota or;
 - 3) utilizing latent quota from restructuring of the fixed minimum allocations?
- Is the Board interested in seeing an option that eliminates the EESA?

B. Other Alternatives from the WG Report the PDT does not recommend further pursuing

Adjust the date unused EESA is redistributed – In recent years there has been full or near full utilization of the set-aside quota. Additionally, there are jurisdictions that experience a fall migration of Atlantic menhaden that could potentially utilize EESA later in the season. In order to maintain effective participation options of these jurisdictions in Southern New England, should biomass shifts occur in future fishing years, the **PDT recommends that this option not be considered for inclusion in the Draft Addendum.**

Consider additional restrictions on EESA - Currently each jurisdictions that utilizes the EESA program have regulatory programs that include effort control measures. Based on PDT member experience and feedback from ASMFC staff, jurisdictions participating in the EESA are currently using a variety of tools, such as lower landing limits and daily reporting, to collectively manage the EESA and that additional restrictions may be redundant. **The PDT recommends that this option not be pursued further at this time and not be included in the Draft Addendum.**

Allow access at <100% jurisdictional allocation - Jurisdictions are currently required to fully utilize their jurisdictions' allocated quota. Allowing jurisdictions the opportunity to fish under the EESA before reaching 100% of their directed fishery quota could allow for their directed fishery to continue without interruption or closure. Accounting for landings and determining whether to apply landings to the EESA or directed quota in-season if the quota is not fully met will be very challenging. **The PDT recommends that the Board clarify the language in Amendment 3 whether jurisdictions can apply for the EESA prior to fully landing their allocation. The PDT does not recommend that an option be included in the draft addendum that allows jurisdictions to begin fishing under the EESA while having remaining directed quota because of the challenges of catch accounting.**

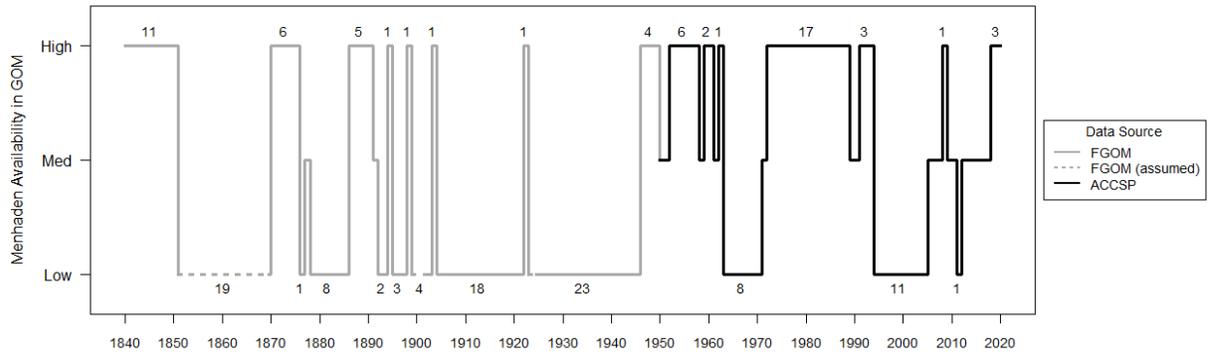


Figure 1. Reconstructed history of availability of Atlantic menhaden to the Gulf of Maine. The number of consecutive years in either a “High” or “Low” availability state are labeled. Data sources include the book “Fishes of the Gulf of Maine” (FGOM), and the Atlantic Coastal Cooperative Statistics Program (ACCSP).