

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

**Crowne Plaza - Old Town
Alexandria, Virginia
February 5, 2014**

Approved May 15, 2014

TABLE OF CONTENTS

Call to Order, Chairman Robert H. Boyles, Jr1

Approval of Agenda.....1

Approval of Proceedings, October 20131

Public Comment.....1

Florida’s Alternative Management Proposal2

 Overview2

 Technical Committee Report3

 Discussion of the Florida Proposal3

Compliance Report Components for the 2013 Fishing Year20

Technical Committee Report.....20

Other Business.....24

Adjournment25

INDEX OF MOTIONS

1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings of October, 2013** by consent (Page 1).
3. **Move to manage cast net fisheries for menhaden under the bycatch allowance with the state bearing responsibility for reporting** (Page 5). Motion by Tom Fote; second by Jim Gilmore. Motion amended.
4. **Move to substitute to develop an addendum that would allow cast net fisheries for menhaden, subject to trip limits and exempt from state quotas, with states bearing the responsibility for reporting cast net fishery catch** (Page 8). Motion by David Pierce; second by Rep. Kumiega. Motion failed (Page 15).
5. **Friendly amendment to amend to add in for 2014 and 2015 in the original motion** (Page 15). Motion by David Borden; second by Russ Allen. Motion Carried (Page 15).
6. **Move to amend to add “for the state of Florida” after “menhaden” in the original motion** (Page 18). Motion by Ritchie White; second by David Simpson. Motion fails (Page 19).
7. **(Main Motion as Amended): Motion to manage cast net fisheries for menhaden under the bycatch allowance for 2014 and 2015, with the states bearing responsibility for reporting** Motion carried (Page 23).
8. **Move to adjourn by consent** (Page 25).

Proceedings of the Atlantic Menhaden Management Board Meeting February 2014

ATTENDANCE

Board Members

Terry Stockwell, ME, proxy for P. Keliher (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Steve Train, ME (GA)	Roy Miller, DE (GA)
Rep. Walter Kumiega, ME (LA)	Bernie Pankowski, DE, proxy for Sen. Venables (LA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Lynn Fegley, MD, proxy for T. O'Connell (AA)
Doug Grout, NH (AA)	Bill Goldsborough, MD (GA)
G. Ritchie White, NH (GA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Jocelyn Cary, MA, proxy for Rep. Peake (LA)	Rob O'Reilly, VA, proxy for J. Bull (AA)
David Pierce, MA, proxy for P. Diodati (AA)	Kyle Schick, VA, proxy for Sen. Stuart (LA)
Bill Adler, MA (GA)	Louis Daniel, NC (AA)
Robert Ballou, RI (AA)	Bill Cole, NC (GA)
Rick Bellavance, RI, proxy for Sen. Sosnowski (LA)	Robert Boyles, Jr., SC (AA)
David Borden, RI, proxy for B. McElroy (GA)	Ross Self, SC, Administrative proxy
David Simpson, CT (AA)	Spud Woodward, GA (AA)
Dr. Lance Stewart, CT (GA)	Patrick Geer, GA, proxy for Rep. Burns (LA)
James Gilmore, NY (AA)	Jim Estes, FL, proxy for J. McCawley (AA)
Pat Augustine, NY (GA)	Martin Gary, PRFC
Tom Fote, NJ (GA)	Steve Meyers, NMFS
Russ Allen, NJ, proxy for D. Chanda (AA)	Mike Millard, USFWS

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

Ex-Officio Members

Staff

Robert Beal	Genny Nesslage
Toni Kerns	Mike Waive

Guests

Kelly Denit, NOAA	Mike Smith, MSSA
Kevin Chu, NOAA	Jimmy Kellum, Kellum Maritime
Loren Lustig, ASMFC Gov. Appt. PA	Bob Vanasse, Saving Seafood
Raymond Kane, CHOIR	Rob O'Reilly, VA MRC
Patrick Paquette, MA Striped Bass Assn.	Ken Hastings, Stripers Forever
Jeff Kaelin, Lund's Fisheries	Arnold Leo, East Hampton, NY
Charles Lynch, NOAA	Brett Scholtes, Omega Protein, Houston
Joseph Gordon, PEW Trusts	Monty Deihl, Omega Protein
Katharine Deuel, Pew Trusts	Benson Chiles, Chiles Consulting
Aaron Kornbluth, Pew Trusts	Jeffrey Pierce, Alewife Harvesters, ME
Chris Moore, CBF	Nicole Bransome, Univ. of MD
Vince Ringgold, MSSA	

Proceedings of the Atlantic Menhaden Management Board Meeting February 2014

The Atlantic Menhaden Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crown Plaza Hotel Old Town, Alexandria, Virginia, February 5, 2014, and was called to order at 10:25 o'clock a.m. by Chairman Robert H. Boyles, Jr.

CALL TO ORDER

CHAIRMAN ROBERT H. BOYLES, JR.: Good morning, everyone. I would like to call to order the winter meeting of the Menhaden Management Board.

APPROVAL OF AGENDA

CHAIRMAN BOYLES: The first item on the agenda is seeking consent on the agenda that was distributed as part of the briefing materials. Are there any additions or changes to the agenda? Seeing none, the agenda will be adopted by consent.

APPROVAL OF PROCEEDINGS

CHAIRMAN BOYLES: The second item is approval of the proceedings from our October meeting at the annual meeting down in St. Simons. Again, the proceedings were distributed as part of the Briefing CD. Are there any additions or edits to the proceedings? I see none, so the proceedings will be adopted by consent.

PUBLIC COMMENT

CHAIRMAN BOYLES: The next item on the agenda is for public comment for those items that are not on the agenda. We've had one person indicate an interest to make public comments to the board; so I will call on Ken Hastings to come to the public microphone.

MR. KEN HASTINGS: My name is Ken Hastings. I am a recreational fisherman from Maryland. I am a Stripers Forever Board Member, but I would like it in the record that I'm representing myself right now. My comments are personal and I do not know if Stripers Forever would approve or not.

I attended the Georgia meeting. I am very interested in menhaden. I have been following this subject for a long time. I even went to the Baltimore meeting where people held the signs up and went around and created a lot of hate and distrust and whatnot. I was not holding a sign. I would have been, but it was so crowded I couldn't stand up.

At the Georgia meeting, when I got there I had an idea in mind of something that I wanted to say, and I wanted to talk about catch accountability for menhaden, because I don't believe we have a clue. But that was just me based on my knowledge of one limited state. Before I got a chance to do that, members of this board asked for that agenda to be modified so they could discuss their issues, which happened to parallel mine.

Man, this is like something crazy; this never happens to me. They had issues of accountability; the 6,000 pound bycatch allowance and the 12,000 pound bycatch allowance. All these things were discussed at great length as part of the Georgia meeting. There was general consensus, since we're on consensus mode, that this would become a prime item for the February meeting here. At the end, just to make sure that everything went right and according to the minutes, you see you've already approved the agenda and no one has objected to your agenda.

You've also approved the proceedings from the Georgia meeting and no one had any additions. However, I read the proceedings. I was there and didn't have to do that, but at 72 I forget things so I went back and I reviewed the minutes. This gentleman here does an excellent job with that. Here is what I found out at the end.

It was Chairman Boyles saying this; "I'll look to the administrative commissioners to take the lead to ensure that we get that so that we have an informed discussion in February. I look forward to a vibrant

Proceedings of the Atlantic Menhaden Management Board Meeting February 2014

discussion in February. We will put some time aside in February for spirited discussions.”

At that point – and having reviewed this in the minutes – I have come to the conclusion that a significant number of states felt that, number one, they don’t know how many fish they were catching before the 20 percent cut was put in place. Number 2, they don’t know how many they’re catching now. Number 3, they’re probably exceeding their share of the coast-wide TAC.

Now, I feel that these are significant issues. I saw a commitment I thought from this commission to go down that road; and I’m sitting here thinking I missed something. Some major event has happened here that has escaped me. It doesn’t matter how hard I look, it happens. I miss things, okay. I would like to know do you have a get-well plan?

I think as a member of the tax-paying public and a fisherman, I want to know. I want a better outcome to report back to Stripers Forever when this is all over with. I would like to know do you have a plan? This is February and we said we were going to do this at the February meeting. I think we’re there; so at what point do we plan to cover this? Thank you.

CHAIRMAN BOYLES: Thank you, Mr. Hastings, and I’ll speak to that. Your chairman misled the board, so I’ll apologize to everyone up front; and that is the fact that our landings and our compliance reports are not due until April. We don’t have landings data to be able to inform that. I appreciate your comments, Mr. Hastings, but I believe that is where we find ourselves; and we look forward to state directors submitting landing reports according to the compliance schedule. I misspoke at October, so thank you.

MR. HASTINGS: Okay; and I understand that and I appreciate that. I know there is a lag here; and we haven’t done this before and there are lots that need to be done. I can predict for you what is going to be on those compliance reports. Everyone is going to be in compliance because the system is set up to make sure that happens

on paper. It has absolutely nothing to do with what was actually caught and taken out of the system. I know you’re going to have us talk here on the compliance, but it is only going to be a half hour. You’re not going to cover all these things. You’re not going to take any action. Thank you.

CHAIRMAN BOYLES: Is there any other public comment? Okay, moving on, we will go now to Mike Waine and Florida’s Alternative Management Proposal.

FLORIDA’S ALTERNATIVE MANAGEMENT PROPOSAL

OVERVIEW

MR. MICHAEL WAINE: This proposal was submitted back in late 2013; and due to the timing, we weren’t able to get to this at the October meeting. We have since brought this back to the technical committee and had them take a look at it. First I’m going to go through their alternative management proposal. Then I’ll take a break and stop and let Jim add anything if he has anything to add then go through the technical report after that.

Just as overview, Amendment 2 was implemented in January 2013; and that, as many are aware, implemented quota management for the first time for the menhaden fishery. The amendment provides flexibility for alternative management proposals to be reviewed if they are deemed conservation equivalent.

A little background on this issue; Florida in 1995 implemented a net ban which prohibited the use of gill nets in state waters. They also at the same time limited all of their nets to no greater than 500 square feet of mesh area in state waters, which effectively made their menhaden fishery a cast net fishery. They also implemented cast nets can be no greater than 14 feet.

However, there are some reporting issues that occurred as we’ve heard about from

Proceedings of the Atlantic Menhaden Management Board Meeting February 2014

some other states as well; so an estimated three-quarters of the commercial landings have gone unreported, however, even though the law states that any commercial sale must be reported. Those unreported landings extend back prior to the net ban; they have been consistent over time.

Industry has been alerted that they need to report bait landings moving forward. Florida identified several needs for conservation equivalency. Florida fishers have already endured significant reduction from the net ban. Florida harvest provides bait to other important fisheries. Their harvest has been reduced significantly through time.

Menhaden remains sustainable because of their current gear restrictions. The management of a quota based on inaccurate reporting will result in an early closure of the fishery as reporting improves. Their request is that current gear limitations, as I've talked about, are a more conservative and effective approach to management than the current strategy of decreasing mortality through the use of a quota; and, therefore, Florida is requesting to be exempt from their state's quota, which is up there as roughly 67,000 pounds.

This is the supporting data that Florida provided. The figure shows landings through time. From 1986 through 1994 they averaged 2.7 million pounds in landings. Since that net ban, which was in 1995, landings have averaged 152,000 pounds, which represents a 94 percent decrease with the level of reporting was assumed to be constant. I will pause there. That is their proposal; and we take questions, I can go through the technical committee report.

CHAIRMAN BOYLES: Are there questions for Mike? Mike, I see questions; go on to the technical committee report, please.

TECHNICAL COMMITTEE REPORT

MR. WAINE: The technical committee reviewed this proposal and they had a few recommendations and thoughts on it. First, the reference period for setting the quota was 2009 through 2011; and that timeframe already

incorporates conservation measures that are cited by Florida's proposal.

Second, the decrease in landings since the 1995 net ban may have other causes as other states have seen a decrease in landings as well. Other states implemented conservation measures prior to the allocation period; so there is the potential for other conservation equivalent proposals to arise. The scale of landings in Florida alone is not biologically harmful; but if states with equivalent harvest to Florida file for conservation equivalency, the impact could compound significantly.

It is difficult to fully evaluate conservation equivalency without knowing the species differentiation of landings in Florida. Florida has a yellowfin menhaden that is harvested on the Atlantic Coast as well; and they look quite similar and the industry has trouble identifying – excuse me, when they are reported, they are not reported separately as they often commingle and catch them together.

The technical committee felt it important to know what the breakdown in landings between those two species were in order to fully get an account of Florida's landings for Atlantic menhaden. If Florida does not have a quota, there is the potential for other states to land menhaden in the state of Florida. Ultimately, the technical committee concluded from a biological standpoint the conservation equivalency principle cannot be applied to Florida's case because the net ban was instituted by Florida well before the period used to set the Amendment 2 quotas.

CHAIRMAN BOYLES: Are there questions for Mike on the technical committee's report?

DISCUSSION OF THE FLORIDA PROPOSAL

MR. ROB O'REILLY: Would a couple of comments be all right? Okay, I guess one comment is I understand the situation where by virtue of the net ban that harvesters have

Proceedings of the Atlantic Menhaden Management Board Meeting February 2014

less to land than they did prior. In a similar situation, though, I think Virginia outlawed trawling in 1989. I can remember with the weakfish management plan we pled our case that getting rid of trawling was a very significant issue for us and also very beneficial for weakfish and other species in state waters.

At that time the determination is the same as this technical committee has said to Florida, which is there is a status of the stock now and what occurred before is really not part of this status of the stock. Although I understand the position, I think that is what we have to go by. The second idea here is that I wasn't sure in reading through Florida's information what would be the vehicle for getting better landings' information.

It is mentioned in the letter that harvesters have committed to begin reporting bait landings. I know that in most cases it is the buyer who can do the best reporting. For the Eel Plan we currently are working on there will be complementary harvester and buyer reporting. Also in some states such as Virginia, even though we have a harvester-based reporting, for some species we go to the buyer as well because you need that quality control. I will say that I was left not quite understanding how Florida will get that reporting. Thank you.

CHAIRMAN BOYLES: Jim, do you want to respond to that?

MR. JIM ESTES: Yes, thank you. Our reporting in Florida is done like it is in many other states; and it is reported by the wholesale dealer. We have the harvester who must sell to a wholesale dealer; and the wholesaler dealer can sell to a retailer or be the retailer. In the case of menhaden and other bait fisheries, I suspect, is that harvester was actually retailing and was not going through a wholesale dealer; and so there was a loophole and there was no way to catch them. Since that time there is only a handful of these harvesters that are doing this.

We have talked to them and at least some of them have been reporting to the fact that I think our estimate of three-quarters of the landings have not been reported; now they have been

reported over this last year mostly through the bycatch measure. The reporting has increased. If we have a hundred percent, I don't know.

MR. PATRICK AUGUSTINE: Mr. Chairman, a question does up; you made a statement that the state reports aren't due until April. At the bottom there it says if Florida does not have a quota, there is the potential for other states to land menhaden. I guess when I'm looking at that and I'm saying, gee, if you have Florida landing data as was just described, you are now getting reports on it, could that have an impact on the technical committee's assessment of their proposal? After that one, I have a follow-on question that I think it is a little deeper reaching than that. Mike, could you help me on that?

CHAIRMAN BOYLES: Pat, I'm going to try something a little bit differently, if I can. Are there any other questions on the technical committee, comments or questions for – or comments, rather, for Jim? Jim, remind me for the record; this is a cast net fishery, correct?

MR. ESTES: That is correct; that is the only gear that they use.

CHAIRMAN BOYLES: It is a directed fishery; correct?

MR. ESTES: I would consider it a directed fishery myself.

CHAIRMAN BOYLES: I think where we are; in my state we have a recreational directed cast net fishery for bait. I recall this board having a conversation early on, before the development of this most recent amendment, that we were really, really trying to get the most bang for our buck. I asked staff to do some calculations for me; and I think what we're talking about, reported landings from cast nets in 2012, 245,480 pounds.

Proceedings of the Atlantic Menhaden Management Board Meeting February 2014

That is 0.18 percent of the bait landings that we're talking about. I think the difficulty we have here is the plan calls for this to be apply for a directed fishery; and Jim has indicated that this is in fact a directed fishery. I go back to the situation in my own state where we basically said we're not really concerned about cast nets.

I guess the question I have for the board is, is this really significant enough for us to spend a lot of time to about 0.18 percent of the total catch; recognizing that we do have – as Mr. Hastings pointed out correctly we do have questions about catch reporting and we are trying to provide incentives for anglers to report their catch. The question I have for the board is this something that we can simply deal with under the bycatch fishery? Tom Fote.

MR. THOMAS FOTE: I'm looking at the cast net fishery that goes on in Raritan Bay. A lot of those boats come over from New York; and I've gotten a lot of calls why New York boats are cast netting in – because they buy a permit and they're allowed to do that. They run the fish back to Staten Island.

Where they reported, I don't know; but when you look at the overall catch of all those cast nets and you look at the purse seiners that are operating in Raritan Bay on the Jersey side, it is miniscule in comparison to do; so I'm not going to worry about New York boats that are throwing a cast net and running across, because the other side of that bait fishery is so gigantic. You know, over the years we have all run into the problem where we basically did conservation measures way back when and then we didn't get credit for it.

I think that is wrong and I thought it was wrong when we did it 15 years ago. I thought it was wrong when we wouldn't let Virginia take credit. I thought it was wrong when we couldn't take credit for New Jersey not taking fish in the producing area until they were 28 instead of 18 inches, but the board said that is your problem. I think we really need to look at it, though. We need to understand it; and I have no problem with handling it as a bycatch even though those boats can't handle it as a bycatch in some of the

states as a cast net fishery just because of the size of the fishery.

CHAIRMAN BOYLES: Thank you, Tom; is that a motion?

MR. FOTE: I usually don't make motions because you make me read them; but, yes, I'll take that in the form of a motion if the staff will basically be kind enough to do what they always do for Pat Augustine and write me up one. (Laughter)

CHAIRMAN BOYLES: Bear with me here, Tom, for just a second. **Would the motion be that cast net fisheries for menhaden would be managed under the bycatch allowance?**

MR. FOTE: Yes; **and it is the responsibility of the state to gather all the information they possibly can and basically do all the reporting they can so we know what the size of that catch is.** It doesn't get them past the reporting requirements, but handles it under bycatch. I think that would address the problem.

CHAIRMAN BOYLES: Is there a second to that motion? Seconded by Jim Gilmore. Discussion? Rob.

MR. O'REILLY: I'm wary of going down this path. I think that since December 2011, having attended each meeting, that it seems to be that exceptions are popping up. I understand why that happens; but even with making this bycatch, at that December 2011 meeting the board talked about reviewing and revisiting the 6,000 bycatch.

If you remember, different estimates were thrown around, 4,000, 5,000, and 6,000 was finally settled on. I do have to pay attention to Item 4 with the technical committee that indicated that the biological impacts from this situation with Florida would not be a jeopardizing effect on the stock.

However, once the board starts to entertain and approve possibly other situations that

Proceedings of the Atlantic Menhaden Management Board Meeting February 2014

are similar, then it does have an impact. I think before we start to go down this path, it is probably better to recognize what we're going to do overall with the bycatch. It is probably better to recognize which fisheries are actually directed and which ones are not.

MS. LYNN FEGLEY: Mr. Chairman, I share Rob's concern. Hindsight is 20/20 and I almost feel like I take some responsibility for this as the maker of the 6,000 pound motion. The intent back then on that really long day in December of that 6,000 pounds was really for those gears that are stationary, that are sitting in the water and are not moving.

The fish come to the nets so the fishermen don't actually have any sort of option to direct. I agree completely that cast nets are minor, but the bycatch allowance now as it stands is 6,000 pounds. I don't if the cast netter can catch 6,000 pounds; that seems like a lot of fish for a cast net. I think in the state of Maryland we don't allow any mobile gear, a gill net, anything that can move to catch more than 1,500 pounds on a bycatch allowance.

That would potentially decrease – the 6,000 pound bycatch in our state is reserved solely for those people with the stationary non-movable multispecies gear. I think that if we're going to go down this road it would really be good to not only define what is directed but also try to get at what is an appropriate bycatch allowance for these gears. Maybe this should be held until April and maybe we can think about setting trip limits for these guys rather than a bycatch limit, rather than the blanket bycatch allowance. I'm a little bit nervous about this because it goes beyond the intent of the initial motion. Thank you.

MR. G. RITCHIE WHITE: Mr. Chairman, the motion opens up cast netting for everybody and not just Florida. I guess one question is did the technical committee look at opening up cast netting to all states and what impact that might have as opposed to just Florida? I guess I'm wondering whether we have the ability to do this without an addendum.

EXECUTIVE DIRECTOR ROBERT E. BEAL: I'll tackle the second one first, if that is all right. I'm not sure if the technical committee talked about the impact to the cast nets or the potential for other states to have an increase in their cast net effort. As far as an addendum goes, that is a tricky one.

When this approved the Amendment 2, they recognized there were a number of things in the bait fishery in particular that there was some uncertainty there with past reporting and how that would operate and how the 6,000 pound bycatch provision would operate. There were a lot of things that the board was pretty open about and said we're going to see how this goes, report out once we get the landings in April and then decide where to go from there.

As Lynn just reported, if the intention of that 6,000 pound bycatch limit was really to only accommodate stationary gear that could not avoid harvesting some menhaden and wanted to convert those caught menhaden from dead discards to landings, then this probably would trigger an addendum.

I think it could be a very simple addendum to do something like this, but simple and menhaden usually don't get along very well. I think if the board wanted to go down the road of doing an addendum and they kept it to a very strictly defined issue with cast nets and maybe a trip limit for cast nets, as Lynn suggested or whatever it is, I think an addendum could be done fairly quickly and simply. If the board starts hanging a lot of other issues on it, then all bets are off.

DR. LOUIS B. DANIEL, III: Man, I'm glad I'm not the chairman anymore.

CHAIRMAN BOYLES: And I'm glad I am.

DR. DANIEL: Good; you're going to be busy. I think this does require an addendum, but I think we need to address the six and 12,000 pound bycatch issue. From what I'm

Proceedings of the Atlantic Menhaden Management Board Meeting February 2014

hearing up and down the coast, it is being enacted differently up and down the coast. I feel we might run into some compliance issues down the road. I think it would be most appropriate to – I support what Florida is trying to do here fully; but I think to make a change to our management plan for menhaden, with all of the interest that we have, and not do it openly and transparently probably would be a mistake. I think if we could have maybe a withdrawal of this motion and maybe a motion to develop an addendum to address the cast net and the bycatch allowance in the menhaden fishery might be a more appropriate way forward.

MR. JAMES GILMORE: I seconded this motion actually just to get this discussion going. I agree, but I think the issue gets bigger than this. I was thinking when we had talked about this the last couple of meetings is that we've got quota issues that were maybe set that didn't make any sense.

There were a whole lot of problems with this original implementation that we really needed to talk about. If you remember a couple of meetings back we were going to collect data; and then once we did the best we could, we were going to come back to the board, which was going to be after April.

My gut feeling was we're going to need an addendum that is not only going to need to include this but the quota issue, whatever. I agree with Louis. I think we're doing this piecemeal with this motion right now; and it might be better to delay this until the May meeting and talk about the bigger issue. Thank you, Mr. Chairman.

MR. KYLE SCHICK: I concur with a little of that. I had a friend that had a cat that sounded like a dog when it tried to meow; but it was still a cat. Bycatch is bycatch; directed fishery is directed fishery. We really don't need to start mixing this up. We have to go to the root of the problem. The root of the problem is we went too far; we restricted too much.

We let emotion drive the car and now we're resulting in a crash. Everybody has their own

little issues of why we don't have enough quota. The reason we don't have enough quota is because we restricted it too much, based on science that was not all there, and now we're sitting with a situation where some of us were talking about before all of this occurred.

Now, I think you're right; I think we need an addendum to straighten this situation out. I think we have to look at the quota overall, the restrictions. I think we have to liberalize some things, not a lot; but I think when we're talking about a cast net fishery, I think when we're talking about bycatch with gill nets, bycatch with all kinds of things, it is ridiculous if somebody has to throw back a bunker because it gets caught in their gill net. The fish is dead; let them put it in a freezer and use it for crab bait next year. I think we have to look at these issues, and I agree.

MR. FOTE: Well, I was waiting for a substitute motion, but I will hold off for a few minutes and hear some more information.

DR. DAVID PIERCE: I'm glad this has come up. Clearly, the motion is a bit disingenuous because we talk about managing cast net fisheries that have been cited correctly so by the Chair as being a direct fishery; and we call it subject to the bycatch allowance. That is disingenuous and many people will pick up on that and question us and wonder what we're thinking. I do agree with other speakers that in the interest of getting a plan in place relative to state quotas and restricted fisheries, that we didn't deal appropriately with cast net fisheries.

I can highlight that concern from the perspective of Massachusetts because as we have attempted to and we have successfully implemented a management program for menhaden in our waters; we've had to deal with many members of the public, many fishermen who have said we have cast net fisheries, we catch small amounts of fish, it

Proceedings of the Atlantic Menhaden Management Board Meeting February 2014

is in the fall; how are you going to allow us to continue with your relatively low state quota?

We struggled with that and, frankly, I still struggle with it; and I don't believe we have been able to adequately address it. I think an addendum would be appropriate that would allow a cast net fisheries with some trip limits, possession limits exempt from state quotas with states bearing the responsibility for reporting. I think that makes a great deal of sense.

We can give more thought to what should be the possession limits to make sure that we don't create problems by creating loopholes that would enable states to inadvertently or advertently sidestep the restrictive quotas we have in place. **I would make a motion substitute and that motion would be to develop an addendum that would allow cast net fisheries for menhaden, subject to trip limits and exempt from state quotas, with states bearing the responsibility for reporting cast net fishery catch.**

CHAIRMAN BOYLES: Motion by Dr. Pierce; is there a second for a substitute motion? Walter. The original motion was move to manage cast net fisheries for menhaden under the bycatch allowance, with the state bearing responsibility for reporting. That motion was by Mr. Fote and seconded by Mr. Gilmore. The question before the body now on the floor is the substitute motion by Dr. Pierce and seconded by Walter. Bill.

MR. WILLIAM J. GOLDSBOROUGH: Mr. Chairman, I want to echo a couple of the remarks about the need here is to get to the fundamental problem. While the substitute motion is an improvement, I still think it does not do that. I think the problem in Florida is a problem we've seen in a lot of states; and basically that is that we did not have good baseline data for the '09 to '11 period for the small-scale bait fisheries.

In Florida that is cast net, but it is other gears in other states. Because of that, we actually had an unintentional reallocation between reduction and bait; a very small scale, mind you, but I think the

effect is large in those small-scale fisheries. I agree with the sentiment that we shouldn't just sort of put a band aid on this particular issue, but we ought to deal with it more fundamentally.

I think that is going to have to mean in May. I would note that I think this echoes some of Mr. Hastings' intent that we not only review what happened in 2013 in May, but we also ask states to come forward in May with their best recalculation, re-estimate, whatever data they have, whatever they can generate.

I know some states are doing this and trying to appeal to their harvesters who did not report during that period and see what kinds of documentation is out there about catches that may have occurred in those fisheries and see if we can improve on the baseline that we had in that period and that any addendum should be based on that, should be based on adjusting – it may even be adjusting the total catch that took place during that period.

It may not even affect the reduction catch, as it were, change it from last year – and that is not my intent at all, but I think the effect would be to have a more appropriate allocation even within the 20 percent cutback that we adopted. I don't think now is the time to address that issue. As was brought up, I think we all know we moved up the benchmark assessment by a year in order to get the best available science one year sooner to look at that issue.

The issue before us right now is how good a job did we do at actually establishing the baseline catches that were going on from which we reduced by 20 percent. My suggestion would be that we go down that road; and I would love to start that process now if that is possible, but I'm afraid it couldn't start until May. Thank you, Mr. Chairman.

CHAIRMAN BOYLES: Thank you, Bill; and I appreciate you bringing up where we are on the stock assessment. My intention in

Proceedings of the Atlantic Menhaden Management Board Meeting February 2014

trying to lead us down this road was to avoid piling up a lot of work on staff and particularly the stock assessment subcommittee and the technical committee, but this is a good discussion. Rob.

MR. O'REILLY: Mr. Chairman, it just seems as if we're getting ahead of ourselves. There is an assessment process underway. I agree that there is more than just the cast net to consider, but I'm not sure we want to consider too much until we see the assessment results and know the status of the stock.

This substitute motion is an invitation to add take, to get some cast net fisheries started maybe that haven't been, just as Jim Gilmore pointed out; and I think that goes beyond where we stood back in 2011 with Amendment 2. I think again the technical committee in Item 4 makes it clear – and I think I heard Bill Goldsborough say this as well – that you can compound a problem by adding on to it, whether it is cast net or other provisions.

If there is going to be some type of addendum, at least let's look at the whole scope of the way Lynn Fegley talked about it. I think you have to look at Amendment 2 and decide really what is a directed fishery, how is it defined. Then we have to look at our bycatch to see how effective that has been, as was promised by this board to do once all the information was in.

We do have a cast net quota in Virginia; so we have a certain set-aside just for the cast net. That is because we have the reported data. I recognize that a number of states don't have that reported data from the timeframe of 2009 to 2011; and I am very aware of the efforts that some of the states have made to collect that information and it is a difficult task. I do think we need to go cautiously here because we're still operating off of the previous decisions of the board that relate back to 2011. Thank you.

MR. SCHICK: Basically Rob said everything that I wanted to say that I think that we have to look at all mobile nets and not just cast nets and the issues that they bring to the table and what

impact is that going to have as far as pulling that all out and allowing some of that to go on.

MR. FOTE: I guess here is my concern. If we go to an addendum to take care of all this, it is going to take a long period of time. Now, we took care of – because we all had pound net fisheries or fyke net fisheries that basically caught menhaden and we took care of that when we looked through the process of doing that.

We really didn't look at the cast net as such; so there really are no rules. How do we allow them to continue operating until this amendment; and I think that is the problem. I don't have any problem going through an amendment to do all the long things, but I don't want to shut a fishery down in a state because we took provisions to create other fisheries or protect other fisheries like the pound net fishery and the fyke net fishery and everything else,

Because we knew it was such a minute part of the overall thing, we just kind of sloughed it off; and now there are consequences of doing it that way when we don't do it in the beginning. I'm just looking at trying to get Florida or any other state past that period of time until we get the major amendment we need. I agree with you, but how do we allow them or do we just let them go as they are and reporting the data? That is what I don't understand how we do that. That is why I made the motion in the first place.

MR. WHITE: Mr. Chairman, it seems like from what I've heard around the table that it probably doesn't make sense to start an addendum that delves into everything; that it is premature; we need to wait for the stock assessment. Why not try to solve Florida's problem in the interim until we get to the stock assessment and make a long-term solution?

What if we just add Florida into the substitute motion so it is not everywhere; it is just Florida. It solves that problem and

Proceedings of the Atlantic Menhaden Management Board Meeting February 2014

then we deal with cast nets, the bycatch, all these other issues after the stock assessment; so we're in essence giving Florida a year so we don't shut their fishery down and then we deal with all these issues after the stock assessment.

MR. DAVID SIMPSON: I apologize I came late and, boy, I really regret it now. I guess we had a discussion that somehow the bycatch allowance that we have in a lot of bait fisheries was not adequate to address this problem. My view from the beginning and I made a point of looking for clarity on this that a bycatch allowance is a bycatch allowance just like for sea herring.

It is 2,000 pounds and we don't manage anything at a finer scale than that. Now, that is a much bigger number than I ever imagined that we would be talking about. I thought we'd go one or two thousand pounds. Early on I also asked about do we need to define what a recreational fishery is; because for menhaden they're not just snagging. They use nets, gill nets.

Some states don't have any limitation on the size or number of nets you can use in a recreational fishery. There is a whole host of things beyond cast nets. I would hope we would address this in a more general form that there are small-scale fisheries that we know exist and have always existed.

My understanding as we developed the addendum was we need to improve the catch statistics on those small, dispersed fisheries. I would like us to get back to that focus and not begin to micromanage the largest fishery in the United States based on how many are caught in a cast net.

MR. GILMORE: Dave made most of the points. Ritchie, I agree of quick fix, but I'll tell you right now New York has had a cast net problem. I think if we go around the room you're going to have a whole bunch of them; so we're going to add everybody onto this list if we do that.

MR. ESTES: To Tom's point and to Ritchie's point, we would like some relief because I think

with our additional reporting my guess is our fishery will shut down. If we don't use the bycatch allowance like we did last year, our fishery will shut down probably in April to May.

MR. AUGUSTINE: Mr. Chairman, I was going to pass and then decided I better say something. Enough comments have been said that we all know and recognize that the issue is much bigger than just one little piece. You've stated it very clearly, Mr. Chairman. Will an addendum be put through with enough – could it be put through with enough elements in it to really hit a homerun to cover the major elements we have to address or would we have to go to an amendment?

That is just a quick question because if it is going to take a lot more with the amendment as they typically get much bigger, then maybe we should go to an addendum. If that is the case, I would almost suggest we – it is tough one but I'll ask – that these motions either should be tabled or rescinded and come up with a clear-cut statement of what will address the issue for now.

We are faced with a reporting issue and reported because I think the numbers are going to be astronomical that come in from the states. New York is the first example. We've got our folks finally reporting. To do it piecemeal, as has been stated by Mr. Gilmore, Mr. Fote and so on, it is ludicrous to start off down this path.

We have done this too many times and end up with a monster on our hands, create something and then try to fix it the next year. It just doesn't make sense; so, your choice, Mr. Chairman. I would move that it is either rescinded or whichever way we go. I think with the language that has been put on the table between Ritchie and Rob and several others and yourself, we probably could piecemeal a relative clean-cut addendum statement that we could put through relatively quick and address that

Proceedings of the Atlantic Menhaden Management Board Meeting February 2014

issue with Florida at the same time. Thank you.

MR. DAVID V.D. BORDEN: Mr. Chairman, although I'm completely sympathetic to both proposers of the first motion and the second motion, I don't think either one of those courses of action are appropriate. Just listening to all of you, you've basically identified probably half a dozen problems that we need to fix.

Our commission chairman basically offered the opinion, which I agree with, that we should have a discussion on those problems and then decide on what course of action, if appropriate, to fix those problems. My guess is if we follow that type of procedure, what you will end up with is a fairly comprehensive addendum that will take a little bit of time and probably link up with the stock assessment. Procedurally I can't vote in favor of either one of these; and I would be more comfortable having both of them either withdrawn or tabled and then get on with the larger discussion of identify the problems and then figure out what the appropriate way to solve those problems is. Thank you.

MS. FEGLEY: I agree; I was just going to say that I felt like I would maybe have a little more comfort with this if there was a one-year limit in there. I think that is correct; I think it is something we just need to address. I think when we look at our hierarchy of problems, of which there are a few, one of them, which is not addressed here, is this definition of that bycatch allowance.

I think nobody really understands which gears, you know, what are the criteria; and I think it is our responsibility to go forward and really set out some criteria for gears that qualify so that we're all being consistent. The more years we go through with every state doing things differently, the more of this kind of thing we're going to have; and we're never going to get out of it. I think the first step for us is to go back and fill in those gaps and develop some criteria so that we all know what we're trying to adhere to.

DR. PIERCE: I appreciate the sentiments of those around the table who would like to see

both motions withdrawn. However, I still think they're appropriate to consider. First of all, they're on the floor; and second of all, Mr. Chairman, you attempted from the very beginning to help this board deal with the specific request from Florida, which was considered to be a very important request from that state.

Now we have heard that if indeed we don't deal with this issue, the fishery could be shut down in April, something like that, I can't recall the exact words said by Florida. If we're going to deal with the Florida request today – and that is on the agenda; that really is the agenda – if we're going to deal with it today as opposed to saying wait until we figure this out through some addendum that would incorporate many other things to deal with problems that we know exist and now it is time to address them, then Florida does not get its issue addressed.

It does not get any response from this board. I like the first motion. I said it was disingenuous initially because we're going to say there is a directed cast net fishery that can be considered under the bycatch allowance. That helps Massachusetts; I like that. Again, to be not disingenuous, I thought the substitute made sense and to be very focused relative to how we deal with cast net fisheries and that would then enable us to deal specifically with the Florida request all the while acknowledging that there were some other issues to deal with.

They are big issues, but we're not going to be able to deal with it today, not in the time period that has been allotted to us. I still think the motion to substitute is appropriate; and if that fails, then I will support the original motion.

MR. O'REILLY: I am going to correct myself and get it right. Back in 2012 with Amendment 2, but it sure seems like longer than that, but there was a comment about sort of pushing aside the cast net and not really counting it. I don't understand that

Proceedings of the Atlantic Menhaden Management Board Meeting February 2014

comment because certainly we have a cast net as part of our quota.

I would have thought that under Amendment 2, if you had cast net landings that were reported, then that was certainly part of what you did as far as your quota went. I guess all states probably didn't have that, and I understand that, but at the same time that is a fact that is a fact that you went by your reported landings, and that is what the quotas were all about.

I don't see how we get past that; and I don't see how we get past the technical committee meeting. I certainly can't support the substitute motion which now generalizes everything. It makes it wide open. We start with one request from Florida that the technical committee has given us advice on and now we're making motions that really just shouldn't be there.

CHAIRMAN BOYLES: Let me see if I can recap. Dr. Pierce is right, we have an agenda item – I'm sorry, Louis.

DR. DANIEL: Just real quickly; no directed fisheries for Atlantic menhaden shall be allowed when the fishing season is closed; so you're cool as long as your fishing season is open. Then it says that an incidental bycatch allowance of up to 6,000 pounds per trip for non-directed fisheries will be in place after the season closes. That begs several questions. What is a directed fishery for menhaden? We don't have that defined. I thought we had said – I remember we did our little round robin where we all asked for the two limits if there were two participants on board. That is not in the plan.

I'm not exactly sure where that is. That may have been in an addendum or something, but I don't know where that is anymore. It is not specific to stationary gears; I thought it was. I think our regulation says for pound nets, but I'm not sure. I don't think we have a directed cast net fishery for menhaden in North Carolina; we may.

Maybe I'm causing a problem for myself here, but without having had Oregon Inlet open and not having had a lot of menhaden landed in

North Carolina, I haven't really paid much attention to it. My expectation would be that if we did catch our quota and we closed the directed fishery, if somebody landed menhaden in cast nets, I probably wouldn't think enough at this point to close it.

That is where I think we've got problems and where we've got inconsistencies around the table as to how we're managing the fishery. We either recognize that now and fix it apriority assessment, which is another year off, probably, and probably a year and a half off through peer review; but first and foremost we need to give Florida a get out of jail free card or whatever they need in order to continue what they're doing and then try to address the bycatch issue, the cast net issue and maybe even the quota issue as quickly as we can. That is just another suggestion, Mr. Chairman.

CHAIRMAN BOYLES: The way I see it, to back to Dr. Pierce, is we have a request on the agenda from Florida for conservation equivalency. The technical committee has recommended to us that based on a biological assessment they don't see this as a conservation equivalency. The second issue is this question of cast nets – excuse me, small mobile gear; maybe small gear.

I'm not really quite sure what we're talking about or maybe we're talking about all of those things. The third issues we have got before us is bycatch and what constitutes a directed fishery that Dr. Daniel has so eloquently pointed out. The fourth thing in the back of my mind is that years ago we talked about the recreational fishery for menhaden and specifically said we're not talking about the recreational fishery for menhaden.

I thought that a lot of our recreational fisheries for menhaden were like my state's where they were cast net fisheries, which is why I suggested we go down that route. The fifth thing is that we've got this all-important assessment that we have all agreed is priority number one; and the

Proceedings of the Atlantic Menhaden Management Board Meeting February 2014

administrative commissioners have all committed to support to the degree we can.

There are a lot of issues here floating around. The way I see things we should deal with Florida's request at this meeting. It is on the agenda. Now where we go from here, I am going to turn to Mike Waine who is the Wise Sensei of Menhaden. Hail Mary, Mike!

MR. WAINE: I thought you were going to get us out of it right there. I agree we have conservation equivalency for the state of Florida at this meeting. Obviously, a lot of this discussion is about this bycatch allowance and the cast nets and the other small mobile gears. The board stated in December, when we approved Amendment 2, that we're going to have to look at this when we get the information. We've requested the information and I will be hammering that on your coming next.

We want to know what these bycatch landings are before we can really take a look at this and deal with it appropriately. We won't be able to do that at this meeting. We can hopefully bring that back in May with some understanding of what the bycatch allowance landings ended up being for 2013. That will give us a better picture of where we stand with all of this.

I think for the longer picture, if we're going to do an addendum in the interim, I'm not sure we have the information at this point to do that, but we should have it when we get the compliance reports and get a better understanding of what the bycatch landings were for 2013. Potentially the board could revisit that in May; and in the meantime at this meeting we would deal with the conservation equivalency for Florida.

MR. WILLIAM A. ADLER: First of all, I agree with Louis with his get out a free card or whatever for Florida. The other thing was the 6,000 pounds after the quota has been taken; would that keep Florida's fishery going under that 6,000 pound thing. I don't know if it would. If not, I don't see that this substitute motion that my colleague made really helps them this April. Maybe I could ask whether the 6,000 pounds would keep them going; and if

not, we do need to do something with Florida for this year in some form. Thank you.

MR. ESTES: After we closed the fishery this past year – I think it was in September – we allowed for a 1,000 pound bycatch because we wanted to be more conservative than the 6,000 pounds because of the cast nets. To answer the first question, 6,000 pounds is more than we needed and we probably wouldn't even want that. We would do something more restrictive in the state.

MR. SIMPSON: I will just share that is how we manage it in Connecticut. Everything counts toward the quota; but once the quota is filled, we allow a bycatch fishery which means you can take up to 6,000 pounds with any legal gear in Connecticut. Now, purse seines are not legal in Connecticut; but if somebody is fishing a gill net, they can, or a cast net.

I think one of the things that makes that work is that we did adopt a recreational creel limit for menhaden because our problem was we did have cast netters that were causing local political problems for us. They're catching an entire – can you believe it, an entire pickup load of menhaden in the harbor, and this was a crisis in Connecticut.

We had no way to enforce it because unless you followed those fish back to Massachusetts and prove that they were being sold, there was no violation. We imposed a 50-fish limit. If you have more than 50 fish, you need a commercial license which has been under moratorium since 1995; so we have very much contained the issue.

This year I think our landings; total state-wide landings were 6,000 pounds. We are not a threat to the menhaden resource; and again we tried to focus on contain a problem and get a good accounting of what we are removing so that we have a better stock assessment. I think that is how we have to

Proceedings of the Atlantic Menhaden Management Board Meeting February 2014

go with Florida for now. That is my reading of the regulation and the practice. The common definition of the terms we use “directed fishery” in sea herring means taking more than 2,000 pounds and the same applies here, to my mind.

MR. GILMORE: A suggestion, Mr. Chairman; after listening to Mike’s comments – and I kind of agree with them – and this is sort of a question back to Florida; if we withdraw or suspend the substitute and go back to the original, put a one-year timeframe on it and essentially do that as the band aid for Florida and any other cast net fisheries and then we take care of that without even having to get into a discussion about conservation equivalency, we just put a band aid on that. It makes me happy because it is going to fix my problem short term also. Then when we get to May, we can start an addendum to start dealing with the bigger issue.

MR. O’REILLY: This is drawing out a little bit, but I do think the idea of just placing this in bycatch that was suggested just goes outside the framework of the amendment. The second thing is I can understand the idea of counting it towards the quota; but when the bycatch was developed, it was not part of the quota. That was the whole situation.

It would be reported but it was not part of the quota. I just wanted to make sure that was understood. Thirdly, I guess the band-aid approach; it depends on how many band aids – and I don’t mean that flippantly, but how many other requests are received after Florida. That would be important to talk about.

MR. DOUGLAS E. GROUT: Mr. Chairman, I’m trying to look for a way out of this, too, and one piece of information that will help me is this concept of exactly when the assessment is going to take place and when the peer review is going to be available. I think if we go with the suggestions that were made by Mr. Gilmore and I believe it was also made earlier is that we put a sunset provision on whatever we do.

Whether it is the motion to substitute or the original, I’d like to have not just a one year, but let’s find out exactly when the stock assessment is going to be, the peer review is going to be

done and that we will have it available for information to start a full addendum to address this.

MR. WAINE: We’re scheduled for SEDAR 40, which will be reviewed in December of this year. We anticipate, if all goes according to plan, to deliver the results of that benchmark assessment at our winter meeting in 2015.

MS. FEGLEY: Mr. Chairman, I was going to try to make a Hail Mary here; and I was going to, if I can, move to amend the substitute motion that this would be in place for the 2014 fishing season.

CHAIRMAN BOYLES: Lynn, could you hold that for a little bit.

MS. FEGLEY: You betchya.

CHAIRMAN BOYLES: Okay, Louis.

DR. DANIEL: Well, I’m hearing different opinions around the table; and I think I like the last one better and so I’m going to push for this. I don’t think the technical committee’s – that is a recommendation that we don’t have to take. We can approve Florida’s request for one year. I think if you look back at the technical committee’s review, it was sort of predicated on other states jumping in might cause some problems.

Right now we’re dealing with Florida; so I am a little nervous about approving something against the technical committee’s advice, but not that nervous. Then I thought we talked maybe then having the data at the May meeting to flesh out what needs to be in the motions that are on the screen now. I think if we could get the motions on the table withdrawn and make a motion for Florida with the expectation we will come back in May with our laundry list of issues for an amendment or an addendum, we will move along quicker. That is just a suggestion.

Proceedings of the Atlantic Menhaden Management Board Meeting February 2014

CHAIRMAN BOYLES: Thank you, Mr. Chairman; I love your suggestions. I would love to take you up on it, but I think we're way too far down the rabbit hole. What I would recommend is that we go ahead and vote on these motions as they are presented and then see where we end up. It is clear to me that there is strong interest in doing things the right way, and I appreciate that. We will get back to Florida's conservation equivalency. Representative Abbott.

MR. DENNIS ABBOTT: No longer representative. I think that we should vote on the substitute motion and then that would become the main motion and then that would be open to quick further amendments as was suggested with the date time certain, et cetera and et cetera. That would get out of the rabbit hole.

CHAIRMAN BOYLES: Let's see if we can climb out. Is there any further discussion? Seeing none; I am going to read the motion that we will be voting on. It is the substitute motion and that motion is move to substitute to develop an addendum that would allow cast net fisheries for menhaden, subject to trip limits and exempt from state quotas, with states bearing the responsibility for reporting cast net fishery catch. The motion was by Dr. Pierce and seconded by Walter. Time to caucus; one minute to caucus.

(Whereupon, a caucus was held.)

CHAIRMAN BOYLES: All right, I'm going to call the question. All those in favor of the substitute motion, which for clarity is the lower motion, signify by raising your right hand –

MR. STEVE MEYERS: Mr. Chairman, excuse me, sir, question; are we voting to make the substitute motion the main motion?

CHAIRMAN BOYLES: Yes. Again, for clarity, all those in favor of the substitute motion raise your right hand; all those opposed raise your right hand; null votes; abstentions, one abstention. **That motion fails**; it was a vote of 5 to 12 to 0. Mr. Borden.

MR. BORDEN: I was not an abstention. I was just raising my hand because I would like to be recognized.

CHAIRMAN BOYLES: The motion fails five to twelve. Mr. Borden.

MR. BORDEN: **I would like to make a motion to amend the original motion that on the second line, after the word "menhaden", I would like to make the motion to add in for one year.**

CHAIRMAN BOYLES: There is a motion to substitute; is there a second? Seconded by Russ Allen. Discussion? Tom Fote.

MR. FOTE: I would accept that as a friendly amendment so you don't have to go through a vote.

CHAIRMAN BOYLES: We're so far down that rabbit hole, thank you, and I appreciate that.

MR. GROUT: Can I make a motion to amend the amendment or not? My issue is just from a fishing year standpoint and a timeframe. One year from now may not get us down to a solution on a bigger scale to this. What I was suggesting was that if we had the time to have the amendment and start down a more comprehensive adjustment to this type of an issue, we might need to have it through the end of 2015. I was wondering if the maker of the motion would be amenable to that since I can't make a second motion for an amendment.

MR. FOTE: I would do anything to get this moving because we've spent a lot of time on something that should have been pretty simple and we spent an hour and a half on it. If you come up with wording that you want to be as a friendly amendment that would basically get us through and we could vote on this, I will do it.

Whether it is the winter of next year or winter of this year; so it is either one; the pleasure of the board, just give me some

Proceedings of the Atlantic Menhaden Management Board Meeting February 2014

direction and I will take a friendly amendment. We all have the same problems. After listening and talking to people, we're all trying to do things and we're not doing the same things in each state.

I guess Florida's mistake was coming to the board and asking for this. If they hadn't asked for this, they wouldn't have had a problem. Because they were trying to do their due diligence, they got messed up, where other states just said, well, we'll take care of it in the state. I don't want to give somebody a hard time of doing due diligence. If you want to make it until a year and half because that is hopefully when we get – as long as it is an amendment, I have no problem with that.

CHAIRMAN BOYLES: For clarify purposes – and I've heard a lot of different comments around the table in the hour discussion – Tom, you're right, I think we need to vote on whether this is for the fishing year 2014 or Mr. Grout's suggestion for 2014 and 2015. Tom.

MR. FOTE: I will make one more comment. By the time we put anything in effect, it is going to be 2015, anyway, so why don't we just make it 2015. It is a year and a half from this point now and then hopefully an amendment will clarify a lot of the problems we have found out that we have right now. I'm just trying to be accommodating like I was yesterday.

CHAIRMAN BOYLES: Mr. Borden and Mr. Allen, is that sufficient for you for that to be through 2015?

MR. BORDEN: Yes, and the way I understood it Mr. Fote was willing to accept that perfection on his original motion, Mr. Chairman.

CHAIRMAN BOYLES: Okay, as a friendly amendment. Rob, did you have a comment?

MR. O'REILLY: Just a quick comment; there were several comments by board members about how Florida brought this proposal and we should look at what Florida asked us to do. I would not support this motion because it is not

specific to Florida. It is specific to cast nets and that is a big difference.

CHAIRMAN BOYLES: Is there further discussion on the motion? We have someone in the public who wishes to make a comment.

MR. PATRICK PAQUETTE: Mr. Chairman, Patrick Paquette; I'm a recreational fishing advocate from Massachusetts. I just want to express a concern. I don't disagree with where the board is trying to get to; but I think that doing this under the bycatch provision is just going to be a nightmare.

I think changing the definition of bycatch is what you're doing; and I think it is just a nightmare that could open up some ugly stuff. I have a suggestion instead of saying, hey, I don't like what you're doing. It is another nightmare, but I think it is a much lesser nightmare. My suggestion is that instead of using and creating a loophole in the bycatch, I would say that this was an anticipated – you got lots of comments as we went into the amendment that this was coming.

I would say that the loophole that gets you out of this a little bit; this is an episode. I would say it is a seen episode, but this is an episode. You're going from no management of this species to management of the species – and as always some of my own colleagues, you're not going to like that I'm saying this, but that is your out. Your out is to call this an episode, use your episodic bit. You're not relieving quota and you're not bastardizing the word "bycatch" for lawyers and judges to fight with for the next ten years. Just a thought. Thanks.

CHAIRMAN BOYLES: Mike, why don't you comment there, if you could, please.

MR. WAINE: The suggestion – just remind to everybody, we have an episodic event set-aside which was intended to be used for the New England states when they have

Proceedings of the Atlantic Menhaden Management Board Meeting February 2014

menhaden in their waters and a higher abundance than they normally occur. We have talked about this quite frequently in the past; so 1 percent of the overall TAC is set aside for those episodic events. That is the quota that he is talking about, the part that was set aside for the episodic event.

MR. RICK BELLAVANCE: Mr. Chairman, I support this motion. I think it goes a long way to relieve fears of these small fishermen in Florida as well as other states and offer them an opportunity to report their landings accurately for this season and the next season and help us to get to that data gap that we currently have.

MR. ROBERT BALLOU: Mr. Chairman, I, too, am going to support the motion. I am going to do so on the principle of adaptive fisheries management. I think we're doing the right thing here, a short-term fix with a long-term solution in mind as well. Thank you.

MR. SIMPSON: Just a question for clarity; does this apply to commercial cast net fisheries only – it doesn't speak to that – or is this any cast net?

CHAIRMAN BOYLES: I'll look to Mike; my read is that your interpretation is correct; recreational cast nets were not covered by the amendment. Mike, is that correct?

MR. WAINE: Yes.

CHAIRMAN BOYLES: That is correct. Tom.

MR. FOTE: I think what you need to do is move that information – that is not a motion. That is a friendly amendment so you don't need a motion for that and just put what Dave put in there.

MS. FEGLEY: I would just be so much more comfortable if there is any way – I completely agree that giving a fix for this for – while we're all learning – in a couple of years is a great idea, but I would be so much more comfortable if this wasn't under the bycatch allowance. If the motion could say "move to manage cast net fisheries under trip limits for the 2014 and 2015;

I would be a lot happier with that than opening up the bycatch allowance.

CHAIRMAN BOYLES: Lynn, I hear you and I'm going to look for Mike for confirmation; and, Bob, I want to build on something you said; this is adaptive management. Dr. Daniel, as Menhaden Board Chair, reminded us that this was a new day as we went down this amendment. I think we have seen some issues that have arisen with timing, but I'm not quite sure, Lynn, that provision exists.

I think where we're using the adaptive tools that we've got – and I think I've certainly heard from a number of you you're not comfortable with that. I think you all have made your case on the record; and where we find ourselves here is dealing with important issues – I appreciate the comments from the public – dealing with important issues with an important fishery, recognizing – I'll go back to what I said at the beginning; this is an extraordinarily small, small percentage, less than 1 percent of the bait landings.

This has been great discussion and I salute everyone's comments and salute everyone's sentiments; but this came up as a result of Florida requesting relief from the provisions of the plan under conservation equivalency. I recognize not everybody is really happy on how we got here. Bear with us; we will get better.

I want to go back and just be cognizant of the fact that we've got a very, very, very important stock assessment; and I'm concerned about loading up our technical committee representatives with amendments and addendums and such. Having said that, the way the motion reads – let's take this one just to be very precise – we are talking about dealing with Florida for the years 2014 and 2015. Is there any objection to dealing with – David.

DR. PIERCE: Mr. Chairman, it is not just for Florida. This is initiated because of a Florida concern, which is shared by other

Proceedings of the Atlantic Menhaden Management Board Meeting February 2014

concerns, and your creativity at the beginning of this meeting led us to this particular point, and I appreciate that creativity.

CHAIRMAN BOYLES: Thank you, David, I misspoke. This is for cast net fisheries for 2014 and 2015. Before I read that motion, is there any objection for this motion applying to fishing year 2014 and 2015? I see none; and so, therefore, the main motion will read – let's get this on the board so everybody knows what we're voting on.

Thank you to Dr. Pierce and others that this applies to the plural states. This was initiated as the result of a conservation equivalency request from the state of Florida. However, the motion, if passed, would apply to all the states. Is that clear? Louis, do you have something?

DR. DANIEL: Yes, I'm sorry, and I'm just going to make the comment because I thought the audience member brought up an intriguing way out of this. We've already said that the cast net fishery is a directed fishery; it is not a bycatch fishery. It is not a multispecies fishery; it is a directed fishery. I would far rather approve Florida's request for conservation equivalency than change the definition of bycatch. That is going to come back and bite us on the fanny. I am going to vote against the motion.

CHAIRMAN BOYLES: Thank you, Louis; and I appreciate that. Jim might think otherwise, but Florida is not a New England state. I believe the episodic events in the amendment were specific to New England states.

DR. DANIEL: Point of clarification, Mr. Chairman. I wasn't saying to use that. I thought it was an intriguing idea. I was saying what Florida requested was for us to declare them conservationally equivalent. The technical committee said that there would be no biological problem with it done for Florida; and by doing it just for Florida, then I don't believe there is a biological concern and it keeps us away from the issue of the bycatch question. That is my biggest point. I'm fine now, I'm on the record, and I just wanted to make sure.

MR. TERRY STOCKWELL: Mr. Chairman, I do support the motion on the board; but when the word "episodic" came up, I smiled because I just wanted to remind the board it took us two meetings longer than this to wrestle our way through "episodic". I will leave it at that.

MR. GOLDSBOROUGH: Mr. Chairman, given the comments I, too, am uncomfortable with doing this under a bycatch allowance; and yet I do think that adaptive management is a viable framework under which to address this problem in the short term. I'm okay with doing something along those lines; but I wonder if it can't read "move to manage cast net fisheries for menhaden under conservation equivalency for 2014 and 2015," et cetera, as has been mentioned.

MR. FOTE: Maybe I've been wrong, but I think if we do it under conservation equivalency as it is now, you can't do it because once the quota is filled, then the fishery is shut down. The only provision that would allow us to do it – and that is why it is as complicated as it is – to move this as a fast and be able to allow this to happen, the only choice you have is to use bycatch or shut the fishery down.

They came to us and they asked the question – if they hadn't asked the question, we would have just went along because that's what other states were doing. That is why we're in the quandary that we're in. We can straighten out the definition and everything else, and that is really the concern here.

MR. WHITE: **You're not going to like this, but move to amend to add "for the state of Florida" after "menhaden".** I am uncomfortable with allowing other states to have two people on a vessel and taking 12,000 pounds of menhaden by cast net. That's probably a long shot that would happen, but I'm uncomfortable with opening up that door where we're only trying to solve Florida's problem on a temporary basis.

Proceedings of the Atlantic Menhaden Management Board Meeting February 2014

CHAIRMAN BOYLES: Motion by Ritchie; is there a second? Dave Simpson seconds. Discussion? Dave Pierce.

DR. PIERCE: Yes, absolutely not. All the discussions we've had so far pertain to all the states benefiting from this; and frankly if we're going to be creative by saying that a directed fishery will be managed under the bycatch allowance, then I'm not going to support that just for Florida. It makes no sense whatsoever.

It indirectly gets us back to the conservation equivalency end of this, which is what Florida has requested. I don't support that, but the technical community has concluded that from biological standpoint the conservation equivalency principle cannot be applied to Florida's case. Again, this is an indirect way to get conservation equivalency for the state of Florida that is inconsistent with what the technical committee has concluded.

I still go back to the fact that in order to deal with this issue in an interim way, 2014 and '15, with equitable treatment for the states that have similar concerns regarding cast net fisheries, they could be restricted very simply with very low bycatch limits; and that is what Massachusetts would do, very low limits, the original motion makes sense. The motion to amend is not something I could support. It gives inequitable treatment to the state of Florida and I think it is inconsistent. It raises the question of inconsistency with the technical committee's recommendation.

MR. WHITE: In response to Dr. Pierce's comments, I think Florida's situation is a little different than other states in regards to the amount of quota that they have that has put them in this situation. I think clearly their fishery does not create a problem for us, as the technical committee has said. The technical committee did not say what would happen if we opened up all the states. I think you're definitely going in an area that we have not gotten advice from the technical committee on if you don't restrict it just to Florida.

MR. O'REILLY: I think that covers my comment, Mr. Chair.

MR. GILMORE: Ritchie, I have the same exact problem as Florida; so if we're going to do this, then I'm going to recommend – and I don't want to amend this thing essentially to put New York on there, and we're going to go around the table. Again, that doesn't solve the problem.

CHAIRMAN BOYLES: We have a motion to amend to add “for the state of Florida” after “menhaden”. Motion is by Mr. White and seconded by Mr. Simpson. Do we need time to caucus?

(Whereupon, a caucus was held.)

CHAIRMAN BOYLES: Are you all ready for the vote? All those in favor of the motion to amend raise your right hand, please; all those opposed; null votes; abstentions. **The motion fails.** There was one vote for; a number of votes against; and two abstentions. Mr. Adler.

MR. ADLER: Can I move the question?

CHAIRMAN BOYLES: Yes, sir. The motion is move to manage cast net fisheries for menhaden under the bycatch allowance for 2014 and 2015, with the states bearing responsibility for reporting. Do we need time to caucus? All those in favor of the motion raise your right hand; all those opposed raise your right hand; null votes; abstentions. **That motion carries 11 votes for, six against.** Jim.

MR. ESTES: If it is needed, Florida can withdraw our request. (Laughter)

CHAIRMAN BOYLES: I think it is moot now; I think you've gotten your answer. Thank you, Jim. These are very complicated issues and we've had extraordinarily good discussion around the table. I know it takes a lot of time; and I know there are a lot of diverse opinions about this fishery.

Proceedings of the Atlantic Menhaden Management Board Meeting February 2014

I suspect that every time we make a vote that there are people who are greatly disappointed and people who are very happy. I appreciate everybody's forbearance as we work through these issues. Again, I'm going to reiterate the baton that was passed to me by Dr. Daniel when I took over as management board chair to really, really keep things focused on that stock assessment.

COMPLIANCE REPORT COMPONENTS FOR THE 2013 FISHING YEAR

I appreciate the conversation. We are going to move on now to Item Number 5, Compliance Report Components. Mike is going to talk to us about what he is expecting of us in our compliance reports.

MR. WAINE: I'm not going to go over this in its entirety just because we're a little behind schedule and all of this is laid out in the memo to the board that I put together. I just want to touch on a couple of things as it kind of focused us on the discussion we just had; and that is getting us the information on the landings and providing us information split up between what was landed under the directed fisheries and what was landed under the bycatch allowance.

The sooner we have that information the better we can assess what the bycatch allowance landings were and what the directed fishery was. Remember, there is accountability for this; so if you have an overage in your 2013 fishing year, you have to take that overage away for 2014 and adjust your quota.

We would like to have that information as soon as possible so that we can have everybody operating accordingly in 2014. I just wanted to mention that so you could submit your landings as soon as possible. Also, the benchmark assessment would like 2013 to be the terminal year; so including those landings is hugely important.

They are making quick progress as Genny tell us about. Having those landings is really – I'm trying to be real adamant about this. The other

thing that I want to make sure that the board is aware is for the bycatch allowance. If you can find this slide, anyways, just a reminder that in 2014 all states are limited to a 6,000 pound per vessel per trip bycatch limit regardless of the number of permit holders on the vessel.

The 12,000 pounds that we talked about was only for the 2013 fishing year; so it now is back to 6,000 pounds. There is no allowance for multiple permit holders on a single vessel to harvest more than that.

I just wanted to make that clarification as there was some confusion on that during the discussion. If there are any questions on the memo, I will be sending it around again regarding what the compliance report should contain. Just contact me and I can help correct that.

CHAIRMAN BOYLES: Are there any questions or comments for Mike? Okay, thanks, Mike, and we will now go on to the technical committee report; Dr. Nessler.

TECHNICAL COMMITTEE REPORT

DR. GENEVIEVE M. NESSLAGE: I'm pleased to report that the technical committee and stock assessment subcommittee have begun the official 2014 benchmark stock assessment process. There is a lot of work to be done, as you know. In preparation for this process, we have held ten meetings so far, six webinars and four in-person meetings, just to get the data together and ready for consideration for the stock assessment.

As you know, we have developed our TORs. We have also spent most of our time identifying as many new data sources that might be informative to the assessment as we possibly can. We completed preliminary workups of all of those of new data sources. All of that information was considered at the data workshop, which we held in January.

Proceedings of the Atlantic Menhaden Management Board Meeting February 2014

To brief you on that meeting of January 14th through 16th, we held the data workshop in Florida and vetted all of the data sources that have been presented to us. It included fishery-dependent data sources, both bait and reduction landings, recreational landings as best we can identify them and catch-per-unit effort time series.

We also – and this was the big chunk of our meeting – investigated and took a close look at all the fishery-independent surveys and other data sources that had been identified and brought to the technical committee; and after considering numerous – I didn't do the total tally of them all, but it was quite a few – we ended up with 27 surveys that the technical committee felt would be suitable for the stock assessment group to consider including in the benchmark stock assessment.

In the past we have only really used eight different – well, seven surveys for the young of year and, of course, the PRFC Fishery-Dependent Index were all that were in the assessment, so this is going to be a big change. You'll see a very big change in the assessment as far as how many data sources and the spatial scope of those data sources in the assessment.

We also took a look at revising, updating and correcting our growth, maturity, fecundity and natural mortality inputs that go into the model. We also took a very close look at that historical tagging data set that you've heard about. Will Smith in North Carolina has been very helpful even though he is not on the technical committee in analyzing that data for us given his background.

We believe that we will be able to use that data to inform natural mortality and also get a handle on the estimates of migration rates between the northern and southern regions. We also spent a good deal of time at the end of that data workshop developing a plan for how we would approach modeling this stock in a new way to address some of the concerns that had been raised during the last stock assessment.

We have kind of a rough outline of what new models we will consider and how we would configure that to incorporate some of the spatial considerations that were not taken into account in the last assessment. We assigned tasks for the June assessment workshop. And just to remind you of our timeline here, we anticipate – well, there will be a press release that will go out soon, I hope, that will have all of the details in them, but we anticipate at least tentatively that April 1st – no joke – will be our deadline for finalizing all of the data and model inputs May 1st will probably be the deadline for public submissions of any alternative models or analyses. If you are considering that, please me. Then we anticipate the first week of June will be our assessment workshop in Beaufort; and the second week of December will be SEDAR 40 and that will be our peer review workshop.

We're hopeful, if we can stay on track, that we will have that peer reviewed and presented to you at the winter meeting, as Mike said, in 2015. I just wanted to give you a brief update on the Ecological Reference Point Working Group. We met in December of 2013 to finalize the MS-VPA Model Update in preparation for the menhaden benchmark.

As you may recall, the output of that model is usually used as an input for the natural mortality time-varying, age-specific natural mortality matrix that goes into the menhaden single species stock assessment. We identified some kinks in that model that we're going to be hopefully ironing out in the next month; but hopefully that will be delivered on time for April 1st.

Then we anticipate we will meet again in the spring of 2014 to work on the TOR that is included in the menhaden benchmark assessment to identify potential ecological reference points that would consider menhaden's role as a forage fish and to outline our proposed methodology and plan of attack and get some preliminary feedback

Proceedings of the Atlantic Menhaden Management Board Meeting February 2014

from the peer reviewers on that approach. Thank you, Mr. Chairman.

CHAIRMAN BOYLES: Thank you, Dr. Nessler. Are there questions or comments for Genny? Dr. Pierce.

DR. PIERCE: Thank you, Genny, that was a very informative report. Ordinarily I wouldn't raise this issue, but some members of the fishing industry have already discovered an important development, and I wanted to raise it here and ask you a question relative to it. An aging workshop was held and my understanding, from talking to my staff, is that a significant problem was found with the way in which fish have been aged in the past; that there is a much earlier age at maturity.

I have spoken with the Micah Dean of my staff to ask the chair about this particular issue because there now is an understanding, in quotes, by some members of the industry that the stock assessment really is wrong, that we have more spawners out there, and perhaps the quotas could even be increased. That is not the case; so are you in a position to let us know where the technical committee and where the stock assessment scientists are relative to dealing with this problem identified with the aging of menhaden in the context of the upcoming stock assessment.

DR. NESSLER: At the data workshop, if I might slightly correct your comments, the group found that our interpretation of previous published literature on maturity at age was incorrect. We discovered that by looking at maturity data that had been collected and analyzed by NEAMAP that indicated that age two menhaden, it may be as much as 80 percent of them are mature at age two; whereas, before we had I think it was something in the range of 15 percent; so a very big change.

When we saw that, we thought, oh, dear, is that a sampling issue or some sort of mistake. We went back to the original literature from the study that we had used in previous stock assessments to determine that maturity at age and basically we believe we misinterpreted the

definition of mature in that paper. The actual study was much more complex than what we actually used it for. The group decided that it appears that the maturity ogive was incorrect in the past assessment.

Now, to address the second part of your question as to how does affect the assessment, is it incorrect, I thought about this a little bit since that meeting. I think the board is most concerned about the overfishing condition given that as I understand it what prompted the amendment; and I reran the calculations for that F 15 percent threshold.

It does raise, as you would expect, the threshold from 1.3 to about 3.2. That being said, the terminal F from the assessment, as you recall, was 4.5; so we would still be overfishing. Of course, that being said, I think the technical committee had a lot of concerns with the model in general; and I think as far as procedurally it doesn't change what our stock status is for overfishing at the moment.

But to speak for the technical committee, if I may, I would suggest everyone to just hold tight. We have made so many so many changes to this assessment you won't recognize it, and I really can't predict what the ultimate outcome will be, but we should have that for you as soon as possible. Does that answer your question?

DR. PIERCE: Yes, thank you for correcting me. I was incorrect so thank you for that. It is work in progress and good work by those involved in the stock assessments and we await the new information and interpretation. Thank you.

MR. O'REILLY: Dr. Nessler, I think to hold tight is a good way to put it. However, by the spring meeting will we have some updates on important components of the assessment? The fishery-dependent component has been very important. I understand that the Virginia data cannot be

Proceedings of the Atlantic Menhaden Management Board Meeting February 2014

used for CPUE. That was one of the decisions.

I know that we're bound by law retroactively to last year to develop an adult index; so I certainly would be very interested to know some more information on the dependent CPUE. Then to follow up on that, on the maturity ogive I guess it is an idea of we'll hold on, but it would seem that what I heard was that 10 percent is what was used in the past for age two and NEAMAP data is showing 90 percent maturity at age two. That is what I heard so you can correct me if you need to.

DR. NESSLAGE: I don't have the numbers in front of me. I probably should have brought them with me. I apologize; I will get those to you, Rob. If I have spoken incorrectly, I apologize, but it is a very drastic change, you are correct there. I believe we will be using the NEAMAP estimates going forward; so whatever they are – and they are in that very high range – we will be using those. I will leave it up to the chair as to whether or not we will be updating the board with preliminary stock assessment results at the next meeting.

CHAIRMAN BOYLES: We'll sit tight on that; we'll hold tight. Rob.

MR. O'REILLY: Just to follow up, I'm not sure I meant a full update. I realize the constraints, but there are certain things that – as Dr. Nesslerage said, this is going to look like a brand new process. If it does, it might be good just for the board to have some pre-finalization information as we go along on what this new process looks like; so that would be appreciated, if possible.

CHAIRMAN BOYLES: We will keep you apprised as we can. Bill.

MR. GOLDSBOROUGH: Mr. Chairman, I had two hopefully quick questions for Genny. First of all, the kinks that are being addressed in the MS-VPA; should I assume those are tightening up of the existing model and not making the changes like adding a fourth predator and the feedback loop and all that were anticipated?

DR. NESSLAGE: Yes; this is just updating the existing MS-VPA with some minor changes; no new major predators; and some corrections of some of the old prey inputs that we had. What we tripping up on at the moment is that we have the new striped bass assessment information and results that we're inputting into that model and it is causing some issues. There is an issue of scale and so we're having to figure out where that has gone wrong, but I think we're going to have that ironed out very soon; but no major model configurations changes, you're correct.

MR. GOLDSBOROUGH: So the estimates of predation mortality would still come out of the MS-VPA. My second question, Mr. Chairman, was with regard to the historic tagging data base. That data base, as I understand it, is 40-plus years old. I'm just wondering what the nature of the discussion has been about the appropriateness and the value of that data given that a lot of this happened over 40 years in the system and the dynamics and so forth; and noting that yesterday with respect to summer flounder, there were a couple of pretty strong comments about 15-year-old data being too old to really be useful.

DR. NESSLAGE: The first comment that you made, I may have nodded my head prematurely. You said that the MS-VPA outputs would be used in the single-species model. Yes, I think at this point the technical committee would like to have that as an option for consideration by the stock assessment subcommittee; but in the event that we can't iron those kinks, I think we will have some further discussion on what to do with that.

We discussed at length whether and how to incorporate that information; specifically how we would incorporate time-varying natural mortality prior to the beginning of the MS-VPA, which starts in '82; and so there may be some melding of two different methods.

Proceedings of the Atlantic Menhaden Management Board Meeting February 2014

It sounds like if we can get the MS-VPA end matrix produced and we're confident in it, then it may be – the exact way in which it will be used in the model is not yet clear, but we're going to leave that up for the assessment workshop. Does that clarify your understand?

MR. GOLDSBOROUGH: Yes; I believe that clarifies with respect to my first question.

DR. NESSLAGE: Right; and the second question with the –

CHAIRMAN BOYLES: Can you repeat your second question?

MR. GOLDSBOROUGH: I was just wondering the nature of the discussion regarding the historic tagging data base with respect to its utility after 40-plus years.

DR. NESSLAGE: The technical committee was very excited about the availability of this data. It is old but to be honest, it is all we have; and if we want to build any sort of spatial consideration or structure into our stock assessment model, this is all the information that is available to us.

It sounds like at this point in our development we are at best going to at least start by creating a model that would have a north/south split; and it would be just north of the Chesapeake Bay. I don't think that the technical committee was concerned about changes on the order of magnitude where the migration rate is between the southern portion and northern portion would have changed so dramatically over the last 30 or 40 years that it would have been inappropriate to use those migration rates.

If we were going to get down to the finer details of how far menhaden are going between Connecticut and Rhode Island, I think we might be concerned; but at this point major shifts from the north/south sections of the range. I think the technical committee was at least confident in using it as a springboard to try and develop new models that would build in the spatial aspect of the migration of menhaden. Does that answer your question?

MR. GOLDSBOROUGH: Pretty much, but just then to clarify, you're still assuming a single stock?

DR. NESSLAGE: Absolutely.

CHAIRMAN BOYLES: Are there further questions for Genny? Genny, I know I speak for the board when I say we really appreciate the work that the technical committee is doing and the stock assessment subcommittee. It is a lot of work and a lot riding on that; so we will do what we can to support that. Please pass on our regards and our respect for their efforts. Is there any other business to come before the Menhaden Board? Bill.

OTHER BUSINESS

MR. GOLDSBOROUGH: Sorry, Mr. Chairman, I had hoped to get this comment in at the end of the Florida discussion just about looking forward to the May meeting, if I may. What we did was with respect to adaptive management and trying to solve a problem in the short term, but recognize that it is really an outgrowth of a more fundamental problem; that being not having very reliable baseline data for the '09 to '11 time period on the small-scale bait fisheries.

The reason I want to put this out there again is when Mike gave his remarks about what we're going to be doing, he referenced only the 2013 landings as being on the table in May. It seems to me from the discussion and from our discussion in Georgia that broader issue is also very important and fundamental to the problems that a number of states have been facing, including this one in Florida.

If it could be assumed then that we're going to include that as part of our discussion in May, which would mean any state that feels that their bait landings' data from the baseline period was not a correct reflection on what they really caught during that period, those that were assumed in the Amendment 2, should be urged to research

Proceedings of the Atlantic Menhaden Management Board Meeting February 2014

the matter further and come up with any documentation they can as to what they think they really were for the discussion in May.

CHAIRMAN BOYLES: I think so, Bill. I think I'm going to ask Mike to confirm that. I think a fundamental question for us is one point during the discussion there was a motion on the floor to initiate the development of an addendum. Again, I go back to where we are and remind everybody about the very important stock assessment. These are important issues with these small-scale fisheries; and the board will have to consider is this something that we want to tackle but right up against development of that stock assessment. Mike, I'm going to turn it over to you to reiterate things about the compliance reports in May.

MR. WAINE: We can do just that. Through the compliance reports I am requesting the entire time series for the landings; and so I'll make sure I emphasize that if there are landings that have been updated historically, to note that. I have been in close conversations with those states that think there are changes going on from their records. I'll be able to identify that for the board.

MR. O'REILLY: I just have a question on what was just discussed. Landings change but is there going to be basis for why they changed; so, in other words, we deal with situations where you have to at least sometimes try and use VTRs in fisheries instead of having those landings at that time. I mean, that happens.

There are probably other formats where you want to know why the landings change; so I hope this isn't just simply that there has been a change of X amount of pounds in 1998 through 2012. I hope there is a model for this or a template for this on what the staff will have to let us know about the landings changes.

MR. WAINE: Yes; we will ensure that the integrity of those numbers are described in detail and why those changes occurred.

ADJOURNMENT

CHAIRMAN BOYLES: Is there further discussion? Seeing none; we will stand adjourned.

(Whereupon, the meeting was adjourned at 12:25 o'clock p.m., February 5, 2014.)