

Atlantic States Marine Fisheries Commission

**DRAFT ADDENDUM I TO AMENDMENT 2
OF THE ATLANTIC MENHADEN
INTERSTATE FISHERY MANAGEMENT PLAN
FOR PUBLIC COMMENT**

Bycatch Provisions



This draft document was approved by the Management Board for public comment to solicit input on the issues contained in the document.

May 2016

***ASMFC Vision:
Sustainably Managing Atlantic Coastal Fisheries***

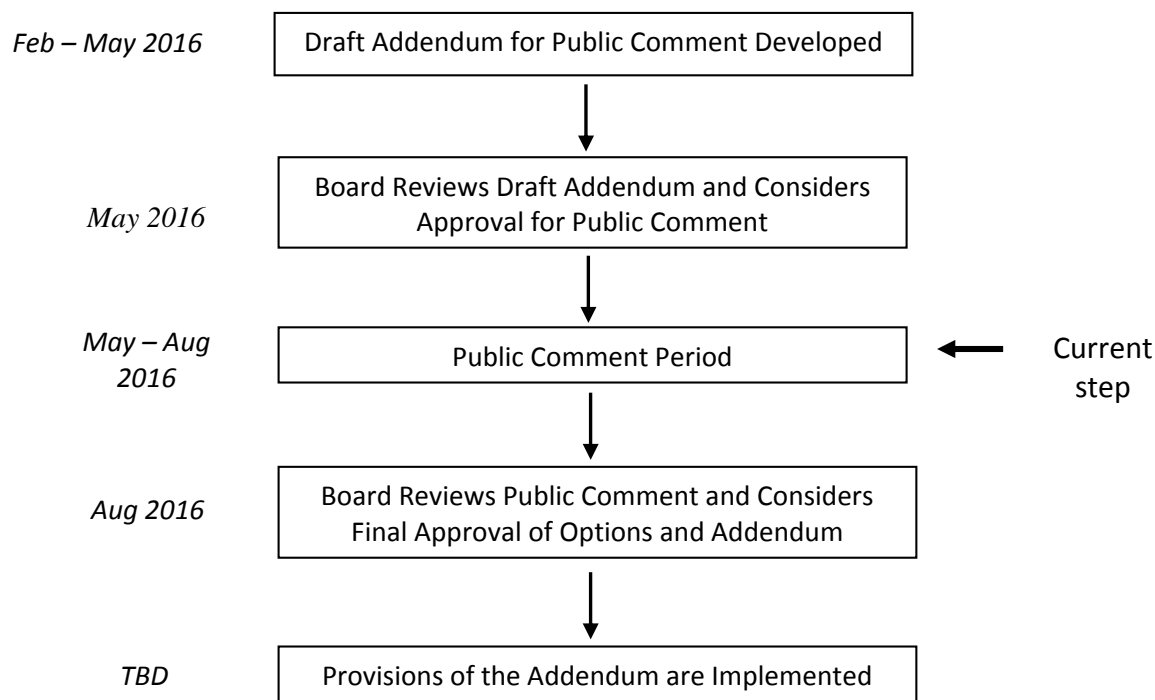
Public Comment Process and Proposed Timeline

In February 2016, the Atlantic Menhaden Management Board initiated an addendum to Amendment 2 to the Interstate Fishery Management Plan for Atlantic Menhaden. This addendum considers a revision to the bycatch allowance provision and contains background on the Atlantic States Marine Fisheries Commission’s management of Atlantic menhaden, the addendum process and timeline, a statement of the problem, and proposed management options.

The public is encouraged to submit comments regarding this document at any time during the addendum process. **The final date comments will be accepted is July 11, 2016 at 5:00 p.m. EST.** Comments may be submitted by mail, email, or fax. If you have any questions or would like to submit comment, please use the contact information below.

Mail: Megan Ware, FMP Coordinator
Atlantic States Marine Fisheries Commission
1050 North Highland Street, Suite 200
Arlington, VA 22201

Email: mware@asmfc.org
(Subject: Draft Addendum I)
Phone: (703) 842-0740
Fax: (703) 842-0741



1.0 Introduction

The Atlantic States Marine Fisheries Commission (ASMFC) coordinates the interstate management of Atlantic menhaden (*Brevoortia tyrannus*) in state waters (from 0-3 miles offshore). ASMFC manages Atlantic menhaden through Amendment 2 to the Interstate Fishery Management Plan (FMP), which was approved in 2012 under the authority of the Atlantic Coastal Fisheries Cooperative Management Act (1993). Management authority in the Exclusive Economic Zone (EEZ), which extends from 3-200 miles offshore, lies with NOAA fisheries. The management unit for menhaden includes the Atlantic states from Maine through Florida.

Amendment 2 implemented a coastwide commercial total allowable catch (TAC) for the first time in 2013. The TAC is allocated into state-specific quotas based on the average landings from 2009–2011. States are responsible for managing their quotas through the implementation of state-specific management measures and are also required to have timely reporting with accountability for quota overages.

Amendment 2 also includes a bycatch allowance provision to provide flexibility for the harvest of Atlantic menhaden by non-directed fisheries after a state has reached its quota and closed its directed fishery. Although the bycatch allowance is intended for non-directed fisheries, Amendment 2 does not require a certain percent catch composition of menhaden per trip as is commonly used to define bycatch trips in other fisheries. Additionally, all landings under the bycatch allowance do not count towards the overall TAC. The Board included this flexibility because, at the time Amendment 2 was implemented, little was known about the magnitude and timing of bycatch fisheries for Atlantic menhaden. Since implementation, states have improved their monitoring programs in order to stay within their allocated quota and better defined gear types utilizing the bycatch allowance. Refer to Appendix 1 for a summary of state bycatch management approaches.

The purpose of this Draft Addendum is to consider further modification of the bycatch provision for Atlantic menhaden. Currently, Amendment 2 (*Section 4.2.1.7*) provides for a 6,000 pound per vessel per day bycatch limit. This addendum considers allowing two licensed individuals, who are allowed to separately harvest up to 6,000 pounds of menhaden on different vessels, to harvest up to 12,000 pounds of menhaden bycatch when working together from the same fishing vessel.

2.0 Overview

2.1 Statement of the problem

Under Amendment 2, all landings that occur until a state's quota is reached are defined as directed landings regardless of whether they are targeted or caught as bycatch. After a state has achieved its quota, Amendment 2 allows individuals to land up to 6,000 pounds of Atlantic menhaden as bycatch per vessel per day. Since the bycatch allowance is allotted to vessels, Amendment 2 does not allow multiple individuals to fish from the same vessel and each land up to 6,000 pounds of menhaden. Instead, two

individuals each landing up to 6,000 pounds of menhaden must fish separately from different vessels. This creates inefficiencies because, during the open directed fishery, it is common for harvesters in the Chesapeake Bay to pool resources and fish together from the same vessel.

2.2 Background

The history of multiple individuals working together from the same vessel to harvest Atlantic menhaden traditionally exists in the Chesapeake Bay. More specifically, many Chesapeake Bay pound netters work in groups of two, fishing nets owned by each permit holder from the same vessel. These groups are typically composed of family members. Fishing in this way enables them to pool resources for fuel and crew.

Considering this may be a technique used in other states/jurisdictions within the management unit, the Plan Development Team (PDT) evaluated the performance of the fishery from 2013 through 2015 to identify other stationary multi-species gears that may also benefit from the ability to work together to pool resources.

Fishery Performance

From 2013 through 2015, the Atlantic menhaden commercial directed fishery landed 98–99% of its coastwide commercial TAC¹. Atlantic menhaden landings under the bycatch allowance averaged approximately 5.63 million pounds annually and ranged from 4.38 to 6.58 million pounds. For reference, bycatch landings represent approximately 1–2% of the total coastwide landings, but do not count towards the TAC.

Stationary Bycatch Gear

Pound nets, the predominant gear in bycatch landings, are large staked or anchored multispecies fish traps that are very rarely moved within season. Pound nets are not selective for a particular species, and therefore, undesirable or controlled species trapped in pound nets must be either discarded or harvested as bycatch. Because menhaden travel in schools, when a pound net traps menhaden, the numbers are generally large. Examination of other species landed from pound nets during Atlantic menhaden bycatch trips indicated striped bass, Atlantic croaker, spot, bluefish, channel catfish and gizzard shad are most commonly encountered. Other than gizzard shad, these species have a much higher ex-vessel value than Atlantic menhaden.

Anchored and staked gill nets also account for a significant portion of stationary gear bycatch landings. Staked gill nets constitute a net attached to fixed stakes, whereby the stakes remain in the same location each time the gill net is fished, and capture any variety of species that may be occupying the area being fished. Anchored gill nets are stationary while set, but can be (and usually are) moved on a daily basis. These nets are

¹ The coastwide commercial TAC was 376.5 million pounds for 2013 and 2014, and 414.2 million pounds for 2015.

DRAFT FOR PUBLIC COMMENT

sometimes set to catch multiple species and at other times to target individual species, depending on the areas being fished.

Most fish and crustacean pots are targeting specific species, and Atlantic menhaden are a very small incidental bycatch. Most pots are not multispecies gear (e.g., crab pots).

Bycatch Landings Composition

Average bycatch landings from 2013 through 2015 were highest in the Chesapeake Bay region with Maryland, the Potomac River Fisheries Commission (PRFC), and Virginia harvesting approximately 81% of the total bycatch. The states of New York, New Jersey, Florida, Delaware, and Rhode Island accounted for the remaining 19% (Table 1). The predominant stationary gear types² landing under the bycatch allowance were pound nets (61%) and anchored/staked gill nets (24%), with pots and fyke nets accounting for less than 1% of the total (Table 1). For the purposes of this addendum, pound nets include floating fish traps and fishing weirs. The landings data also identified several mobile gear types harvesting menhaden under the bycatch allowance. The predominant mobile gears were cast nets (6%) and drift gill nets (5%) with haul/beach seines, trawls, and hook and line accounting for the remaining 4% of the total (Table 1).

Table 1. Average landings under the bycatch allowance from 2013–2015 by gear type (stationary and mobile) and jurisdiction. Highlighted cells represent the gear type with the highest landings within a jurisdiction. (C) = confidential landings, and (-) = no landings. Total confidential landings were 209,277 pounds (i.e., the sum of all C's in the table below). Note that sum of pounds and percent of total columns do not include confidential data.

State/Jurisdiction	MD	VA	PRFC	NY	NJ**	FL	DE	RI*	Sum lbs (NonConf)	% of Total
Stationary Gears While Fishing										
Pound net	2,306,552	122,913	884,843	128,854	C	-	-	57,231	3,500,393	60.9%
Anchored/stake gill net	5,131	1,242,512	-	-	100,202	C	28,998	C	1,376,843	24.0%
Pots	10,001	-	-	C	-	C	C	-	10,001	0.2%
Fyke nets	C	C	-	-	C	-	-	-	918	0.0%
Mobile Gears While Fishing										
Cast Net	C	-	-	183,137	C	163,776	-	C	346,913	6.0%
Drift Gill net	16,082	57,794	-	18,175	129,620	-	66,117	-	287,788	5.0%
Seines Haul/Beach	C	5,119	-	206,587	-	-	-	-	211,706	3.7%
Trawl	-	-	-	9,733	C	-	-	C	9,733	0.2%
Hook & Line	C	-	-	-	-	C	-	C	278	0.0%
Sum lbs (NonConf)	2,337,766	1,428,339	884,843	546,485	229,822	163,776	95,116	57,231	5,744,572	
% of Total	40.7%	24.9%	15.4%	9.5%	4.0%	2.9%	1.7%	1.0%		

NJ** an ad hoc method was used to split gill net data between stationary and mobile gears
 RI* trips do not include those landed under the episodic event set aside because those landings are counted as part of the directed fishery.

² For the purpose of this draft addendum, the PDT defined “stationary” gear types as those that are stationary *while fishing*. Further distinction could be made between gears set on the same (often licensed) site for the entire fishing season (e.g., pound nets, staked gill nets) and gears that can be moved throughout the fishing season to follow resource distribution (e.g., pots, anchored gill nets, fyke nets).

DRAFT FOR PUBLIC COMMENT

From 2013 through 2015, a total of 12,750 trips landed Atlantic menhaden under the bycatch allowance. Of those trips, 8,979 trips (70%) were from stationary gears. The Chesapeake Bay jurisdictions accounted for 88% of all stationary gear bycatch trips from 2013–2015 (Table 2). Of those trips in the Bay, approximately 40% were from pound nets in Maryland and PRFC, and approximately 59% were from anchored/staked gill nets in Virginia. These two main gear types in the Bay also emerge when looking at the amount of bycatch landed between 2013 and 2015. More specifically, 60% of all stationary gear trips landed less than 1,000 pounds. This was predominantly driven by anchored gill nets in Virginia. Additionally, pound nets were the only notable gear type that accounted for trips exceeding 3,000 pounds with 44% of trips in Maryland and 33% of trips in PRFC exceeding that level (Table 2).

Table 2. Total number of bycatch allowance trips landing menhaden by stationary gears only from 2013–2015 by jurisdiction and percent of total trips by 1,000 pound landing bins. (C) = confidential landings

Bins (LBS)	VA	MD	PRFC	NJ	NY	DE	RI*	FL	Total Trips	Total Bin%
1-1000	71%	35%	31%	85%	88%	91%	53%	100%	5,350	59.6%
1001-2000	13%	12%	21%	10%	9%	4%	14%	0%	1,176	13.1%
2001-3000	7%	8%	15%	3%	C	4%	18%	0%	716	8.0%
3001-4000	3%	7%	10%	1%	3%	1%	4%	0%	426	4.7%
4001-5000	3%	7%	13%	C	C	1%	3%	0%	441	4.9%
5001-6000	2%	14%	10%	C	C	0%	6%	0%	519	5.8%
6000+	0%	16%	0%	C	C	0%	3%	0%	351	3.9%
Total Trips	4672	2057	1138	477	345	165	102	23	8,979	
Total Trips %	52.0%	22.9%	12.7%	5.3%	3.8%	1.8%	1.1%	0.3%		

RI* trips do not include those landed under the episodic event set aside because those landings are counted as part of the directed fishery.

In summary, landings under the bycatch allowance from 2013 through 2015 are largely attributed to the stationary multi-species pound net fisheries in Maryland, PRFC and anchored gill net fishery in Virginia. Pound net trips are landing menhaden in amounts that would lend to the cooperative fishing behavior considered in this addendum; however, there are other stationary multi-species gears in other jurisdictions which may also benefit from the ability to cooperatively harvest menhaden bycatch.

Stock Status

Based on the 2015 benchmark stock assessment, Atlantic menhaden are not overfished and are not experiencing overfishing. The 2015 assessment includes data through 2013. The estimated fishing mortality rate for 2013 (0.22) is below both the threshold (1.26) and target (0.38), whereas fecundity in 2013 (170 trillion maturing or ripe eggs) is well above the threshold (86.8 trillion) but below the target (189 trillion). The 187,880 metric ton (414.2 million pound) TAC set by the Board for 2015 and 2016 has less than a 2% risk of overfishing.

The Atlantic Menhaden Technical Committee previously reviewed a conservation equivalency proposal from the State of Maryland and Potomac River Fisheries Commission to allow two licensed pound net fishermen aboard the same vessel to each land 6,000 pounds of menhaden as bycatch (Appendix 2). The Technical Committee agreed that the proposal, limited to pound nets in Maryland and PRFC, would not adversely impact the biological status of menhaden given: 1) current stock status; 2) the limited amount of landings occurring under the bycatch allowance (1-2% of total coastwide landings); and 3) Maryland and PRFC pound net bycatch landings of menhaden would be unlikely to significantly increase due to these fisheries being subject to limited entry (Appendix 3). The Technical Committee recommended continued monitoring of bycatch so that if an unexpected expansion of harvest occurs, it can be addressed (Amendment 2 stipulates an annual Board review of bycatch landings.)

The conservation equivalency proposal reviewed by the Technical Committee was deferred by the Board to be considered in this Draft Addendum because conservation equivalency cannot be used to adjust the bycatch allowance provision as written in Amendment 2.

3.0 Management Options

The following section considers modifying Section 4.2.1.7 of Amendment 2 (Bycatch Allowance). Section 4.2.1.7 of Amendment 2 reads as follows:

4.2.1.7 Bycatch Allowance

An incidental bycatch allowance is strictly for non-directed fisheries. States are not eligible to submit alternative state management regimes (Section 4.5) in lieu of the bycatch allowance as written.

No directed fisheries for Atlantic menhaden shall be allowed when the fishing season is closed. An incidental bycatch allowance of up to 6,000 pounds of Atlantic menhaden per trip for non-directed fisheries shall be in place during a season closure. The amount of Atlantic menhaden landed by one vessel in a day, as a bycatch allowance, shall not exceed 6,000 pounds (this prohibits a vessel from making multiple trips in one day to land more than the bycatch allowance). The use of multiple carrier vessels per trip to offload any bycatch exceeding 6,000 pounds of Atlantic menhaden is prohibited. A trip shall be based on a calendar day basis.

Bycatch Reporting

Bycatch landings by non-directed fisheries are required to be reported through the timely reporting system approved by the Board in Section 3.6.1.2. All bycatch from non-directed fisheries during a closed season must be reported separately from directed harvest in annual compliance reports. Bycatch landings that occur during a state designated open season will

count towards a state's quota. Bycatch landings will be reviewed on an annual basis by the Board to monitor the appropriateness of the bycatch allowance.

Option A: Status Quo

The amount of Atlantic menhaden landed by one vessel in a day, as a bycatch allowance, shall not exceed 6,000 pounds.

Option B: Working together permitted for all stationary multi-species gears.

The bycatch allowance provision would be adjusted to include the following exception to the 6,000 pounds per vessel limit:

Two authorized individuals, working from the same vessel fishing stationary multi-species gear, are permitted to work together and land up to 12,000 pounds from a single vessel –limited to one vessel trip per day. Stationary multi-species gears are defined as pound nets, anchored/staked gill nets, and fyke nets.

This option is included based on the Board motion to include all stationary, multi-species gears. The PDT defined “stationary” as gears that are stationary while fishing. The PDT removed pots from this option because it was determined not to be a multi-species gear as described earlier and current bycatch landings from pots are very small (Table 1).

Option C: Working together permitted for all stationary multi-species gears, operating in limited-entry fisheries.

The bycatch allowance provision would be adjusted to include the following exception to the 6,000 pounds per vessel limit:

Two authorized individuals, working from the same vessel fishing stationary multi-species gear in a limited entry fishery, are permitted to work together and land up to 12,000 pounds from a single vessel –limited to one vessel trip per day. Stationary multi-species gears are defined as pound nets, anchored/staked gill nets, and fyke nets.

This option is included based on the Board motion to include all stationary, multi-species gears and the Technical Committee’s review of Maryland and PRFC proposals, where they acknowledged the importance of a limited entry management in restricting an expansion of harvest. Refer to Appendix 1 for a listing of current limited entry, stationary gear fisheries, by jurisdiction. The PDT removed pots from this option because it was determined not to be a multi-species gear as described earlier and current bycatch landings from pots are very small (Table 1).

Option D: Working together permitted for pound nets only.

The bycatch allowance provision would be adjusted to include the following exception to the 6,000 pounds per vessel limit:

Two authorized individuals, working from the same vessel fishing pound nets, are permitted to work together and land up to 12,000 pounds from a single vessel –limited to one vessel trip per day.

This option is included because two individuals fishing together and reaching the current bycatch limit is most commonly documented for pound net trips and supported by the 2013–2015 bycatch landings data. Pound nets include floating fish traps and fishing weirs.

4.0 Compliance

States may implement any applicable changes to their bycatch allowance management programs immediately upon final Board approval of this addendum.

Of note, the Management Board has also initiated the development of Amendment 3 to consider ecosystem-based reference points and revisit the state-by-state allocations of the TAC. Bycatch management may also be addressed, meaning that any option selected as part of this addendum, has the potential to be replaced as part of Amendment 3, currently scheduled for implementation in 2018 if all components remain on schedule.

5.0 Literature Cited

Atlantic States Marine Fisheries Commission. 2012. Amendment 2 to the Atlantic Menhaden Fishery Management Plan. ASMFC, Arlington, VA 114 pp.

SEDAR. 2015. SEDAR 40 – Atlantic Menhaden Stock Assessment Report. SEDAR, North Charleston, SC. 643 pp.

DRAFT FOR PUBLIC COMMENT

Appendix 1: Menhaden bycatch limits and participating gear types by state. As a reminder, Amendment 2 sets a 6,000 lbs bycatch limit per trip; however, states can choose to be more restrictive than the plan requires. This table may not be all inclusive and is subject to change.

State/Jurisdiction	Bycatch Trip Allowance (lbs)	Gears Allowed to Land Bycatch	Limited Entry Stationary Multi-Species Gears In Use
ME	6,000	All gears	None that catch menhaden
NH	6,000	All gears	NH has one remaining fish weir
MA	1,000 and menhaden harvest may not exceed 5% of trip's entire harvest by weight	All gears	Anchored gill nets
RI	6,000	Non-direct gear which includes cast nets, floating fish traps, anchored gill nets, trawls, and rod and reel	Floating fish traps and anchored gill nets
CT	6,000	All gears	Anchored gillnets
NY	6,000	All gears except purse seine and hook and line	Pound nets, anchored gill nets, and fyke nets limited entry indirectly through licensing
NJ	6,000; 100 for non-license holders	All gears	Pound nets, staked/anchored gill nets, and fyke nets
DE	6,000	All gears (bycatch fishery only)	Anchored/staked gill nets
MD	6,000 for pound nets; 1,500 for all others	Pound nets, but 1,500 limit for other gears	Pound nets, fyke nets, and anchored gill nets except no anchor gillnets are allowed in MD portion of Chesapeake Bay
PRFC	6,000	Pound nets	Pound nets
VA	6,000	All non-purse seine bait gears	Pound nets and staked gill nets
NC	6,000	Through proclamation when needed	None that catch menhaden
SC	N/A	No notable landings history	None that catch menhaden
GA	N/A	No notable landings history	None that catch menhaden
FL	1,000 for all gears allowed to land bycatch	Trap, hook & line, gill net, cast nets	None that catch menhaden

Appendix 2: Maryland and PRFC Conservation Equivalency Proposals



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Mark Belton, Secretary
Joanne Throwe, Deputy Secretary

November 23, 2015

Under the Management Program Equivalency section (4.5.2) of Amendment 2 of the Interstate Fishery Management Plan for Atlantic Menhaden, the state of Maryland is requesting to implement a conservationally equivalent management program to the 6,000 pound bycatch allowance beginning in 2016. Maryland is requesting that two appropriately permitted individuals aboard a single vessel fishing pound net gear may each land 6,000 pounds of menhaden after the fishery is closed. Under this provision the vessel could carry up to 12,000 pounds of menhaden bycatch.

Under Amendment 2, individuals may land 6,000 pounds of menhaden per vessel per day after the state has achieved its quota and closed the 'directed' fishery. In Maryland this bycatch provision applies only to pound net fishermen who lack the ability to control the composition of fish within their stationary nets, and who possess a Maryland menhaden bycatch permit. Bycatch permits are only available to individuals who had a registered pound net site before February 18, 2013. Permits are non-transferable and must be on board the vessel with the fisherman.

Most of Maryland's menhaden harvest is taken by a small number (10) of pound netters who traditionally work in family groups: fishing nets owned by family members (father and son) from the same vessel. Fishing in this way, they can pool resources for fuel and crew. Maryland provided for these individuals to continue working together in its implementation plan submitted to ASMFC in April of 2013. The plan was accepted by the Atlantic Menhaden Management Board. However, the ability for two fishermen working together to each land the 6,000 pounds of bycatch was removed for all states in 2014. This has caused undue hardship for Maryland pound netters.

Data are indicating that Maryland harvest remains consistent despite the removal of dual bycatch allowance (Table 1). However, the fishery is operating in a less efficient manner. In 2013, the fishery closed on June 29th resulting in 181 days of bycatch and the possibility to have 12K pounds on the vessel. In 2014, the fishery closed on August 23rd resulting in 131 days of bycatch. Despite having 29% fewer days of bycatch and the 6,000 pound allowance, the total bycatch amount decreased by only 500,000 pounds and total harvest declined by 256,000 pounds. In Maryland, harvest reports are tied to an individual, not a vessel so we cannot quantify the change in the number of vessels. However, watermen have informed us that they are putting additional boats on the water. In some cases, this is a safety threat and in all cases it reduces the efficiency of this fishery in terms of cost for fuel and crew.

DRAFT FOR PUBLIC COMMENT

This proposal will not result in an increase in the number of menhaden harvested in Maryland. It will simply allow harvesting in a more efficient manner.

Maryland has authority to alter the bycatch allowance within 48 hours by public notice. Hence Maryland stands committed to monitoring harvest occurring under the bycatch provision and adjusting the provision downward if necessary. The intent would be allow this provision for 2016 and leave it in place until the implementation of Amendment 3.

Table 1. Menhaden harvest in Maryland 2013, 2014 and 2015. In 2013 a vessel could land 12,000 pounds of menhaden after the fishery closed in the case where two permitted individuals were working together. This provision was removed in 2014 and 2015. Note 2015 landings are preliminary as the fishery is still ongoing.

Year	Total Harvest (lbs)	Pre-closure Harvest (lbs)	Bycatch (lbs)	Closure Date
2013	6,908,913	4,122,830	2,786,083	6/29
2014	6,653,297	4,413,360	2,270,810	8/23
2015*	6,973,028*	5,604,855*	1,368,143*	8/29

DRAFT FOR PUBLIC COMMENT

COMMISSIONERS:
WILLIAM L. RICE, SR. (MD)
Chairman
A. J. ERSKINE (VA)
Vice Chairman
S. LYNN HAYNIE (VA)
Secretary
IDA C. HALL (VA)
DENNIS C. FLEMING (MD)
GINA HUNT (MD)
PHIL L. LANGLEY (MD)
JOHN M.R. BULL (VA)



MARYLAND - VIRGINIA
"Potomac River Compact of 1958"
Potomac River Fisheries Commission
P.O. Box 9
Colonial Beach, Virginia 22443
www.prfc.us



OFFICERS:
MARTIN L. GARY
Executive Secretary
MICHAEL C. MAYO, ESQ.
Legal Officer
TELEPHONE:
(804) 224-7148
(800) 266-3904
FAX:
(804) 224-2712
E-MAIL:
prfc@verizon.net

January 8, 2016

Under the Management Program Equivalency section (4.5.2) of Amendment 2 of the Interstate Fishery Management Plan for Atlantic Menhaden, the Potomac River Fisheries Commission (PRFC) is requesting to implement a conservationally equivalent management program to the 6,000 pound bycatch allowance beginning in 2016. The PRFC is requesting that two PRFC pound net licensees aboard a single vessel fishing pound net gear may each land 6,000 pounds of menhaden per day after the fishery is closed. Under this provision, a single vessel could land up to 12,000 pounds of menhaden bycatch per day when there are two PRFC pound net licensees on board who each have at least one of their pound nets set and fishing (prior to the fishery being closed and the bycatch provisions being implemented) and no more than 6,000 pounds of Atlantic menhaden are harvested from either of the licensees nets.

Under Amendment 2, individuals may land 6,000 pounds of menhaden per vessel per day after the PRFC has achieved its quota and closed the 'directed' fishery. On the Potomac, this bycatch provision applies only to PRFC licensed pound net fishermen who lack the ability to control the composition of fish within their stationary nets. The Potomac River pound net fishery is a limited entry fishery, with a low number of licensed nets actually set and fished.

Most of the Potomac's menhaden harvest is taken by a small number (less than 15) of pound netters who traditionally work in family groups: fishing nets owned by family members (father and son) from the same vessel. Fishing in this way, they can pool resources for fuel and crew. The PRFC provided for these individuals to continue working together in its implementation plan submitted to ASMFC in April of 2013. The plan was accepted by the Atlantic Menhaden Management Board. However, the ability for two fishermen working together to each land the 6,000 pounds of bycatch was removed for all states and jurisdictions in 2014. This has caused undue hardship for Potomac River pound netters.

Data from 2013 and 2014 are indicating that Potomac River harvest remains consistent despite the removal of dual bycatch allowance (Table 1). However, the fishery is operating in a less efficient manner. In 2013, the fishery closed on August 22 resulting in 115 days of bycatch and the possibility to have 12K pounds on the vessel. In 2014, the fishery closed on August 27 resulting in 110 days of bycatch. In some cases, this is a safety threat and in all cases it reduces the efficiency of this fishery in terms of cost for fuel and crew.

This proposal will not result in an increase in the number of menhaden harvested in the Potomac River. It will simply allow harvesting in a more efficient manner. The PRFC has authority to alter the bycatch allowance by Order of the Commission, effective ten days after its

DRAFT FOR PUBLIC COMMENT

adoption, or immediately by Emergency Order. Hence the PRFC stands committed to monitoring harvest occurring under the bycatch provision and adjusting the provision downward if necessary. With our weekly commercial reports we have tighter temporal resolution on our harvest tracking and projections for quota attainment than MD (or VA) with their monthly reports. The intent would be allow this provision for 2016 and leave it in place until the implementation of Amendment 3.

Table 1. Atlantic menhaden harvest in the Potomac River 2013, 2014, and 2015. In 2013, a vessel could land 12,000 pounds of menhaden after the fishery closed, in the case where two licensed pound netters were working together. This provision was removed in 2014 and not in effect in 2015. *Note 2015 landings are preliminary.

Year	Total Harvest (lbs.)	Pre-closure Harvest (lbs.)	Bycatch (lbs.)	Closure Date	Revised Quota (lbs.)
2013	3,295,295	2,207,895	1,087,400	8/22/2013	2,337,508
2014	3,175,893	2,063,550	1,112,343	8/27/2014	2,335,719
2015*	2,694,055*	2,263,465	430,590*	9/26/2015	2,559,617



Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
703.842.0740 • 703.842.0741 (fax) • www.asmf.org

MEMORANDUM

Appendix 3

January 19, 2016

To: Atlantic Menhaden Management Board
From: Atlantic Menhaden Technical Committee
RE: TC Review of Maryland and PRFC's Conservation Equivalent Management Proposals

The Technical Committee (TC) met via conference call to review an alternative management proposal submitted by the State of Maryland and the Potomac River Fisheries Commission (PRFC) regarding the 6,000 pound bycatch allowance. In brief, the proposals are requesting to allow two permitted/licensed pound net fishermen aboard the same vessel to each land 6,000 pounds of menhaden as bycatch (i.e., 12,000 pounds total from one vessel). Currently, two permitted/licensed individuals can land 6,000 pound each of menhaden bycatch on separate vessels, but not 12,000 pounds if they are fishing from the same vessel. This proposed management alternative only applies to pound net fishermen who must possess a menhaden bycatch permit or menhaden license. Both Maryland, and PRFC have a limited entry pound net fishery for menhaden, thus limiting the opportunity for expansion of the bycatch fishery. Maryland and PRFC conclude that this proposal will not result in an increase in the number of menhaden harvested, and it will allow harvesting in a more efficient manner.

TC Recommendation

The TC agreed by consensus that Maryland and PRFC's alternative management proposals will not adversely impact the biological status of Atlantic menhaden. The TC acknowledges that the proposed alternative would most likely not significantly change the amount of harvest occurring in Maryland or PRFC. Furthermore, the established limited entry program for the pound net fisheries is expected to limit the expansion of landings under these proposed management alternatives.

Given the current stock status of Atlantic menhaden (not overfished or experiencing overfishing), and the limited amount of landings occurring under the bycatch allowance (approximately 1% coastwide), the TC does not have biological concern with the proposed conservation equivalent proposals. The TC recommends continued monitoring of bycatch landings coastwide to ensure an expansion of harvest can be addressed if it occurs.

The TC also recommends the Board consider further evaluation of the bycatch landings on a coastal scale as it develops draft Amendment 3 to the FMP for Atlantic menhaden. The TC discussed that the bycatch portion of the harvest is currently able to expand. Assessing the upper bound of this expansion and its potential impacts to the fishery should be undertaken during the development of Amendment 3 as the Board considers the bycatch allowance provision.