

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

**The Westin Alexandria
Alexandria, Virginia
May 4, 2016**

Approved August 3, 2016

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10. **Motion to adjourn** by Consent (Page 37).

ATTENDANCE

Board Members

Terry Stockwell, ME, proxy for P. Keliher (AA)	John Clark, DE, Administrative proxy
Sen. Brian Langley, ME (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Steve Train, ME (GA)	Roy Miller, DE (GA)
Cheri Patterson, NH, proxy for D. Grout (AA)	Lynn Fegley, MD, proxy for D. Blazer (AA)
G. Ritchie White, NH (GA)	Bill Goldsborough, MD (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Ed O'Brien, MD, proxy for Del. Stein (LA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	John Bull, VA (AA)
Nichola Meserve, MA, proxy for D. Pierce (AA)	Rob O'Reilly, VA, Administrative proxy
Bill Adler, MA (GA)	Kyle Schick, VA, proxy for Sen. Stuart (LA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Cathy Davenport, VA (GA)
Robert Ballou, RI, proxy for J. Coit (AA)	Chris Batsavage, NC, proxy for B. Davis (AA)
David Borden, RI (GA)	Rep. Bob Steinburg, NC (LA)
David Simpson, CT (AA)	W. Douglas Brady, NC (GA)
James Gilmore, NY (AA)	Mel Bell, SC, proxy for M. Rhodes (GA)
Emerson Hasbrouck, NY (GA)	Robert Boyles, Jr., SC (AA)
Mike Falk, NY, proxy for Sen. Boyle (LA)	Patrick Geer, GA, proxy for Rep. Nimmer (LA)
Russ Allen, NJ, proxy for D. Chanda (AA)	Spud Woodward, GA (AA)
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	Nancy Addison, GA (GA)
Tom Fote, NJ (GA)	Jim Estes, FL, proxy for J. McCawley (AA)
Loren Lustig, PA (GA)	Martin Gary, PRFC
Andy Shiels, PA, proxy for J. Arway (AA)	Derek Orner, NMFS
David Saveikis, DE (AA)	Mike Millard, USFWS

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

Ex-Officio Members

Jason McNamee, Technical Committee Chair	Rob. Kersey, Law Enforcement Representative
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Staff

Bob Beal	Max Appelman
Toni Kerns	Shanna Madsen
Mike Waine	Megan Ware

Guests

Charles Lynch, NOAA	Jimmy Kellum, Kellum Maritime	Dave Sikorski, CCA MD
Wilson Laney, US FWS	Joseph Gordon, PEW Trusts	Richard Farino, District Angling, DC
Kelly Denit, NMFS	Christine Fletcher, PEW Trusts	A.J. Erskine, Bevans Oyster
Jack Travelstead, CCA	Aaron Kornbluth, PEW Trusts	David Trulla, Kelley Drye
John Bullard, NMFS/GARFO	Kate Wilke, TNC	Chris Moore, CBF
Brandon Muffley, NJ DFW	R. Crocker, Richmond, VA	Jeff Deem, VMRC
Peter Himchak, Omega Protein	Brendan Adams, NC Sea Grant	Johnathan French, Cobia
Shaun Gehan, Omega Protein	Jane Harrison, NC Sea Grant	Monty Diehl, Omega Protein
Ben Landry, Omega Protein	Arnold Leo, E. Hampton, NY	Jeff Kaelin, Lund's Fisheries

The Atlantic Menhaden Management Board of the Atlantic States Marine Fisheries Commission convened in the Edison Ballroom of the Westin Hotel, Alexandria, Virginia, May 4, 2016, and was called to order at 8:00 o'clock a.m. by Chairman Robert Ballou.

CALL TO ORDER

CHAIRMAN ROBERT BALLOU: Okay it is 8:00 o'clock; I am going to call this meeting of the Menhaden Board to order. My name is Bob Ballou from Rhode Island; I have the honor of being the new Chair of the board. I have rather huge shoes to fill, given the tremendous leadership of my recent predecessors; Robert Boyles from South Carolina, and Dr. Louis Daniel from North Carolina.

CHAIRMAN BALLOU: I thank Robert and Louis for ably guiding this board over the past several years, and pledge to do my very best to follow suit. Before we begin, I just want to note that we have a full agenda and just about two hours to get through it all. I ask for the board's and the public's assistance in being as concise as possible with your comments and questions.

By way of introduction I wanted to introduce a new member up here at the head of the table, and that is Rob Kersey from Maryland; he is the new LEC representative to the Menhaden Board; welcome, Rob.

APPROVAL OF AGENDA

CHAIRMAN BALLOU: Let's get right to the agenda. Item 1 is the agenda itself. I would like to add one item at the end under other business; that being Board Consideration of a Resolution Regarding Exemplary Service.

Are there any other additions to the agenda? Seeing none, are there any objections to approving the agenda as advised? Seeing none; the agenda as revised stands approved by consent.

APPROVAL OF PROCEEDINGS

CHAIRMAN BALLOU: We are on to Item 2, which is the approval of the proceedings from the February, 2016 board meeting. Are there any recommended changes to those meeting minutes? Seeing none; is there any objection to adopting those minutes? Seeing none; those minutes stand approved by consent.

PUBLIC COMMENT

CHAIRMAN BALLOU: The next item is public comment. This is an opportunity for anyone from the public who wishes to comment on any issue that is not on today's agenda to do so. To accommodate that opportunity we have a signup sheet, and I'll be going to it. But before doing so, I want to call upon Dr. Jane Henderson from North Carolina Sea Grant, and as I'm introducing Dr. Harrison, I'm sorry, Henderson, please come to the public speaking portion of the platform; thank you.

Dr. Harrison is the; oh I did get it. Is it Harrison or Henderson? Harrison, you can go either way, but we're going to stay with Harrison for today. She is the co-PI on the socioeconomic study of the menhaden fishery that is being conducted for the board. She is here this morning to introduce herself. Good morning, doctor.

DR. JANE HARRISON: Thanks so much. I am here today mostly just to introduce myself; Dr. Jane Harrison. If you all would like to talk after the meeting, please do so. Myself and my research assistant Brendan Adams from NC State University, NC Sea Grant are here. I am sure as many of you know; we are doing a study on the socioeconomics of the menhaden fishery.

I'm working with Dr. John Whitehead at Appalachian State University. He has done some previous work on this topic. Our interests are really to provide useful information for your decision making. We're going to be doing some interviews after the board meeting with some of the stakeholder groups; to better understand

how the information might be used for this group.

It is very much my interest that it is useful; that it is not must a long paper that I write that sits on a shelf somewhere. The RFP for this project, it was quite expansive; in terms of what types of socioeconomic information the board is looking for. We could certainly use a little more clarity on exactly what would be useful for you all.

We will be doing some work on both the reduction oil fishery and the bait fishery doing some case studies, some interviews with the fishermen themselves; looking at some of the summary economic data for all of the states. But again, just introduce yourself; let us know if you would like to talk more. We would love to do a short interview with anyone who is available, either in person today or we can talk on the phone later. Just so that we better understand how our data can be useful for your work here. Thanks so much.

MR. BALLOU: Thank you very much, and we very much look forward to your work and your report back to the board. No one else has signed up to comment. Is there anyone else who wishes to comment at this point from the public?

CONSIDER THE EXTENSION OF AND REVISION TO THE EPISODIC EVENT SET ASIDE PROGRAM

Seeing no hands; we'll move on to the next agenda item, which is Item 4; and that is to consider the Extension of and Revision to the Episodic Even Set Aside Program. I am going to turn to Mike Waine for a brief presentation; drawing upon his memo to the board, which is in your meeting materials.

As I do so I just want to give the board a heads up that we have a total of 20 minutes set aside for this agenda item in its entirety. The board is going to really need to be sharp and focused in its consideration. I also want to note that the

item is an action item; it involves two issues; one being whether the board wishes to extend the episodic event set aside program, the other being consideration of New York's request to participate in that program. I do plan to take up those issues separately in sequence. With that I'll turn it over to Mike.

MR. MIKE WAINE: As Bob mentioned I am going to basically review the episodic event set aside program, and talk a little bit about the performance over the last three years. Then in addition to that we received a proposal from New York to consider revising to include them in the program. We will talk about that as well.

Just a quick reminder about how this program works. Through Amendment II, back in 2012, the board set aside 1 percent of the TAC for episodic events. Following up on that; the Amendment II gave flexibility for the board to actually specify how that 1 percent of the quota set aside would be administered.

As a follow up the board tasked the Subcommittee of New England States to further develop that program; they did so, and this board approved a pilot program back in May of 2013. At the annual meeting of that year the board extended that program through 2015 and included a provision to rollover a new set aside on November 1. I am just going to talk a little bit about what that actual program was. The current eligibility is the New England states, from Maine through Connecticut.

The states must implement the following mandatory provisions to be eligible for this set aside. This includes good reporting. Harvest has to be restricted to state waters and be put in a maximum daily trip limit no greater than 120,000 pounds per vessel. Then how the state actually declares that they met that criteria, which they submitted to us and the Plan Review Team signed off on it; and the board looked at that.

If they met those criteria they would monitor the landings to determine if an episodic event occurs. The way we define that was instances when a qualifying state has reached its individual state quota prior to September 1. It also has information indicating the presence of unusually large amounts of menhaden in its state waters, so that is how we're defining episodic events in this program.

They have to let the commission know by September 1 that they plan to begin harvesting from that set aside, and there is also this provision that they are not eligible for de minimis status if they opt into this program. We also have in the program a mechanism to deal with both underages and overages that occurred through the performance.

If an episodic event is not triggered by September 1, so no states declare that they are going to harvest from the set aside; then the quota gets immediately rolled into the overall quota and gets redistributed back to the states. If an episodic event is triggered by September 1, and all the states that participate do not harvest all of that set aside; then as of October 31st we do a rollover of what is left to all the states using the same allocation in Amendment II.

On the flip side, if there is an overage, so the state opts into the set aside, they end up landing more than the set aside or state or states; there is a payback the following year. It would ultimately be accounted for in the following year. Just a quick table to show you the performance of this set aside. Remember this is 1 percent of the TAC; we're talking 3.7 to 4.2 million pounds depending on the year.

You can see that one state has utilized this set aside program. Their harvest has ranged a little bit, last year being the highest as they've seen a lot of menhaden in Narragansett Bay. Rhode Island is unique; in that it has a biological monitoring program in Narragansett Bay that allows them to more scientifically assess when

that biomass fluctuates to somewhat of an episodic level.

As I mentioned, the set aside was previously extended through board action through 2015; and so the board may consider another extension of the program through board action at this meeting. The board may also adjust any provisions of the set aside through board action. I just wanted to pause on that slide to just remind the board that setting aside the 1 percent was done through Amendment II.

Then subsequent to that the board has made changes to this program on several occasions, as I outlined through board action. The plan actually allows for that flexibility to occur. Bob, I think I'll stop there as the next topic is New York's request. I would be happy to answer any questions.

CHAIRMAN BALLOU: Are there any questions for Mike? Yes, David Borden.

MR. DAVID V. BORDEN: Mike, could you refresh my memory as to the requirements? Do states have to submit proposals to the Plan Review Team? What actually is the process that is followed by a state in order to do this? They obviously have to declare, but what I'm trying to get at is there a written document that every state has to submit that outlines all the steps they are going to take to be in compliance with it?

MR. WAINE: Yes, we wrote this up in a document and called it Technical Addendum I. It outlines everything that I just went through in the slides of what the mandatory criteria is, and what the steps are that the states go through to declare that they're going to harvest, et cetera, so yes that is all as summarized on the slide; and it is also written up in a document.

CHAIRMAN BALLOU: Other questions for Mike?

MR. RITCHIE WHITE: Mike, to change the 1 percent amount. Is that addendum/amendment board action?

MR. WAINE: To change an actual amount of the set aside, that 1 percent, would require an addendum or an amendment to the plan.

CHAIRMAN BALLOU: Other questions? Seeing none; at this time I would entertain a motion on this issue.

MR. BORDEN: Yes, I would like to make a motion, Mr. Chairman. Move to extend the episodic program until Amendment III, which is the Allocation Amendment is implemented. If I get a second I would like to speak to it for just as second.

CHAIRMAN BALLOU: We have a second by Nichola. I think we're going to work to get that up on the board. As we're getting that up on the board why don't we go back to you, David?

MR. BORDEN: I think that next step in menhaden management is really a critical step; where we're going to go back and look at all the state quota allocations. It's my full expectation that the state allocations are going to change significantly, as part of that mechanism. When I say that what I mean specifically is I think that there are probably nine states around the table that have very small allocations.

It is very difficult for those states to attempt to manage those fisheries; because of the small amount, particularly with a strong year class that seems to be manifesting itself. I think the appropriate step at this point is to extend that. But all of those types of discussions may supersede this. We may not have a need to do this when we go through that process.

CHAIRMAN BALLOU: We have the motion up on the board. David, is that consistent with your wording? Okay, so we have a motion up made and seconded; discussion on the motion, yes, Terry Stockwell.

MR. TERRY STOCKWELL: I'm partially comforted by this motion. I'm a little concerned with the language "until Amendment III has been implemented." There is no way to predict what this board is going to finally vote upon when Amendment III and the allocations come along. I would not be comfortable about perhaps even removing the episodic program at that point. A little bit more discussion, I might make a motion to do a little word smithing.

CHAIRMAN BALLOU: Well, is there more discussion on the motion? Seeing none; this is your opportunity, Terry. I'm sorry, Kyle.

MR. KYLE SCHICK: We're putting Band-Aids on a program that was founded in principals that weren't in science, they were a mistake. We did a knee-jerk reaction, and here we are talking about episodic events, and New York has an issue, and nine states around the room don't have enough quotas to manage.

Whether we're dip nets here or pound nets there, you know in the Chesapeake Bay. Yesterday we were talking about raising the quota for a species that was almost on the endangered species list. Here we have a species that has never been overfished, overfishing has never occurred; and we're doling them out like we've only got five of them left, five fish. We've got more fish than that. We've got all the fish that we need on these.

Let's just raise the TAC. Give these nine states what they need. Get rid of all these stupid rules about, well two people want to fish together; will they need more fish? This state throws out a net, we're talking about pittance of fish, and we're spending all this time on nothing. Raise the TAC, give these states the fish they need.

Let's move on to more pressing issues, some real issues on fish that are really in trouble; not this oily fish that we have plenty of. We just got another report, another banner year coming up. Let's do the right thing. Let's get to an issue that matters more; than trying to conserve a

fish that is not overfished and overfishing has not occurred.

CHAIRMAN BALLOU: Let me go back to Terry.

MR. STOCKWELL: I just had a brief sidebar. I think my issue can be resolved by asking Mike a question that would confirm. There is every reason the board can consider episodic event in Amendment III. Is that correct, Mike?

MR. WAINE: Yes, absolutely. The way I interpret this motion is, this takes you through Amendment III, and in Amendment III the board can consider any aspect of menhaden management; including this episodic even set aside program. Therefore, whatever gets decided in Amendment III could either carry this forward, or however the board ends up choosing to move forward with this. I think this just gets you through until the board decides to make any changes in Amendment III.

MR. STOCKWELL: Thanks for the clarification, and thank you David for the motion.

CHAIRMAN BALLOU: Kyle, one more shot.

MR. SCHICK: Yes, I am sorry. But we don't have to wait for Amendment III. We can raise the TAC without Amendment III. You know we don't have to go through all this motion to solve the problem, am I correct?

CHAIRMAN BALLOU: Well, we certainly can't do what you're asking to do today; it is not on the agenda and it is not before the board today. We could talk about what we could potentially do down the road, but right now we're looking at the issue that is before us today. Mike wants to add something.

MR. WAINE: Yes we're a little bit ahead. One of the agenda items is to provide guidance for the Technical Committee on stock projections, and the intent of that is so that the board can come back in August and set the 2017 TAC. At

that point the board would consider whether to keep the TAC the same, or make a change to it.

That is coming, Kyle; but it is not part of the agenda today. But the board will give guidance, so when we get to that agenda item I would suggest that you consider what kind of stock projections and what constant harvest TACs you would like to see, come August.

CHAIRMAN BALLOU: Thank you for that discussion. David.

MR. BORDEN: I think this is just a sequencing issue. I think almost everybody around the table wants to get on with the broader discussion of allocations and TACs. But we're confronted with a situation where this program needs to be extended in the near term; and between now and this summer, when I fully expect the situation with menhaden to significantly change if this year class manifests itself in some of the state waters. I think we've got to have a program that addresses the issue in the short term; and that is the reason I made the motion.

CHAIRMAN BALLOU: I don't see any other hands. I think we've had good discussion. Let's have a 15 second caucus; and then I'll call the vote. **Okay on the motion to extend the episodic event program until Amendment III has been implemented. All in favor please raise your hand; opposed same sign, null votes, and abstentions. It passes unanimously, thank you.** I'll now go back to Mike for a brief presentation on New York's request.

MR. WAINE: New York submitted a proposal that was in your briefing materials. The request is to be included as part of the Episodic Event Set Aside Program; the one that the board just extended. New York is experiencing episodic fish kills in Peconic Bay on the very east end of Long Island.

This happened last year and it is basically happening right now this year. The fish kills

result in enormous cleanup and socioeconomic impacts; a lot of dead menhaden on the beach. I'm sure Jim would love to talk more about that. New York is requesting to land under the set aside and remember that this program originally was restricted to the New England states; and eastern Long Island sticks out pretty far and is relatively close to that New England region.

In terms of PRT review, so David this gets back to your question about the process that all the states went through to be eligible, and how we determine that eligibility. Preemptively we had New York submit how they intend to administer this harvesting under this set aside if the board agrees to it. The PRT got together pretty quickly over the last few days to review that. Our recommendations after looking at the proposal were that the daily reporting is critical; especially given New York's quota overages that have occurred in the last couple years. Then that the commission may want to consider requesting more frequent than weekly reporting to us; considering that there is a possibility then that there might be multiple states harvesting from this set aside.

Just to make sure that we're adequately monitoring that set aside as it progresses, so that we can avoid an overage if that is a situation that we would be in. That is a quick and brief review of their proposal. Jim is probably best to answer any questions that the board should have.

CHAIRMAN BALLOU: Yes, let me go to Jim and then we'll take questions for either Mike or Jim.

MR. JAMES J. GILMORE, JR.: I'll just be brief and add a couple of updates that we've gotten. First off to really emphasize this. This is all about preventing a fish kill and a public health issue, public nuisance issue. Just to add on, when I was talking to Mike, not many people realize the political boundary of New England is very different than the biological boundary.

If anybody knows where Fishers Island is, it is a hell of a lot closer to Connecticut than it is to New York, I mean Long Island. Just the one big update is last evening. We got the water quality data back. In the briefing package there was a report from last year to document the event that is happening again this year.

We have a lot more menhaden, but the algal bloom that exacerbated this thing started this week. For all of you microbiologists, the prorocentrus cells are up to 146,000 cells per milliliter. Alexandrium, which is an appropriate species for where we are right now, is in a tributary called Meeting House Creek; they are 350 cells per liter right now. Alexandrium is red tide. We didn't have that last year, so this could even be worse.

Again, this is really not about taking advantage of the fishery or anything. In fact we may have to subsidize the fishermen. They are going to be doing this with beach seines, because we don't have a reduction fishery. We don't have a commercial fleet any longer, so the best we're probably going to do is maybe reduce the size of the kill; as opposed to actually eliminate it, but we're really going to try to do that. Anyway with those notes, I'll answer any questions and when you're ready, Mr. Chairman, I have a motion.

CHAIRMAN BALLOU: All right, Jim, why don't we do this? Why don't we get your motion up on the board? It is inevitable that it is going to be happening, so why don't we do that; and then take questions and comments on the motion and wrap those together. At this point I would entertain a motion.

MR. GILMORE: Move to add New York as an eligible state to the episodic even set aside program.

CHAIRMAN BALLOU: Is there a second to that; moved by Jim Gilmore, seconded by Dave Simpson. We'll get the motion up on the board.

As that motion is going up comments and/or questions on the motion; beginning with Cheri.

MS. CHERI PATTERSON: This really doesn't pertain to the motion that is up on the board, but I do have a question for Jim. In regards to, part of this problem appears to be water quality concerns about what's coming out of Peconic River. Is there any movement forward to improve these water quality conditions to help negate this sort of kill?

MR. GILMORE: Yes, the town of Riverhead is actually looking for both state and federal funding to upgrade their sewage plants; and there is also Suffolk County is working on a nitrogen reduction. I think the report, and what was difficult last year was that everybody was blaming it on nitrogen; and these kills occurred over history.

We essentially had said that the nitrogen maybe exacerbated the kill. If you had pure water out there the physics of all the menhaden and when the bluefish show up, you're going to have these kills anyway; maybe not as large. There is a separate effort going on to do nitrogen reduction to hopefully eliminate or reduce the blooms that occur with these things.

CHAIRMAN BALLOU: So far I've got indications that Terry Stockwell and Dave Simpson want to comment. I also have Bill Adler's hand up. Others, who wish to comment, keep your hands up. I'm going to have Mike write down the names and then we'll go down the list and I'll try to go back and forth between pro and con. Keep your hands up, if you could, for just one more minute. At this point I'll go to Dave Simpson.

MR. DAVID G. SIMPSON: Yes, I just want to sort of reinforce Jim's comments about the kills that occurred last year especially, really tremendous abundance of menhaden last year, and numbers beginning early in the year that I haven't seen in my lifetime. We were experiencing kills at the same time, pretty much

from one end of the state to the other; where water quality wasn't an issue.

Both states were doing work to try to identify the source of the kill, the responsible critter, so to speak. The Cornell University identified a virus as the cause. I think that is what was happening on our end, because there were so many fish around. I think New York's problems were more complicated.

Certainly the number one cause is just the tremendous abundance of menhaden that we've seen. We're not seeing as many this year, but the young-of-year, maybe the year class that Dave Borden is referring to, is tremendously abundant this year in our waters. The bigger fish just came in. I expect this is going to be a more regular occurrence.

Some of these smaller fish were dying, March/April timeframe. The one other thing I'll add, and Jim answered the question for me. But as we consider more fishing in areas that didn't previously support a menhaden fishery, we'll want to pay attention to the types of gear so you use them in the potential for bycatch. I think that will be my worry, not such a big concern with seines, but if we start talking about miles of gillnet I'm going to be nervous for other species and interactions. But I fully support the motion.

CHAIRMAN BALLOU: I do have a list, but I want to go to of those who already raised their hand, those wishing to speak in opposition; could you raise your hand again?

MR. STOCKWELL: Well, I am maybe partial opposition, because I have a great deal of sympathy for Jim and the residents of eastern New York, because the very same thing happened in the cove next to my house about 15 years ago and two plus feet of pogies right up on the beach. It took us months and months to vacuum them out and clean up the mess it left behind.

In principal I'm not opposed to adding New York, but the question I have, how much of this 1 percent of episodic fish do you anticipate you would need to harvest if this year class does come around the corner? Maine fishermen have been waiting for a long time to have access to them. I would be hesitant to support something that diverted some of that fish away; particularly if Maine had no access to them when the fish do come at the latter part of the summer.

MR. GILMORE: That is actually a good question, Terry, because first off I don't think we're getting anyway near the 4 million pounds. If you do the math on this, a handful of fishermen with beach seines with, I think we put in a 30,000 pound trip limit, are not going to be able to really take more. Last year the kill was in the 500,000 to million pound range. I think if we were able to get all of those fish maybe we would get a million pounds. But I don't think we're going to get more than a few hundred thousand.

MR. STOCKWELL: Would you be willing to put a cap on the amount of the episodic event that is available?

MR. GILMORE: Well that is a bigger discussion, because we thought about doing that. But then it is going to be, well that puts a cap then on every other state and we don't have a ceiling on it; which was I think the difficulty when I first looked at it. It says, well, I left a 1 percent for the entire episodic event.

But it never really identified what each state limit would be. I mean it would be completely arbitrary. Maybe we could report out, and I think if we do get to maybe a million pounds, at that point I think this thing is going to take so long that the kill would have happened and we're going to stop at that point anyway.

MR. STOCKWELL: I mean I would like to help you out, but I'm having a hard time without throwing my own guys under the bus here. If

there was some way you would cap at a million pounds or something so some portion would be available to those who are waiting further down the line for the fish to come, I could support it. But as it stands I can't support the motion on the board.

CHAIRMAN BALLOU: Let me continue with the names, I'll go to Rob O'Reilly next.

MR. ROB O'REILLY: Listening a little bit, this is symptomatic of a situation where you have a very strong population abundance-wise, and in every other aspect. New York has to be added on as the episodic, and later on it is going to have to be something a little bit different; because I read the report and the Suffolk health department really did an in depth report.

If you looked at the report these problems were prevalent in 2008 and 2009, and if you look at some of the other parts of the tables, it is amazing that 2010 wasn't a big problem as well. Maybe it wasn't a good match between the movements of the menhaden and the low D.O. conditions, which were sort of tagged as the main problem. I certainly support the motion, I just think as we go forward there has to be something in place to assist with these events. It brought back some very bad memories, and I'm sure it did the same for Maryland; back to 1997 and 1998, when we had menhaden fish kills and we watched within a matter of a couple of months our seafood businesses react very quickly to the negative. I think one of the positives is for everyone to know that it is a temporary situation no matter where it occurs, and it can be addressed. With those words I do support the motion.

CHAIRMAN BALLOU: I'll go to Bill Adler next.

MR. WILLIAM A. ADLER: First of all in the document that the New York put out, it says he is requesting a onetime harvest in 2016. Apparently according to this particular motion, it would be added to the rest of the states that

already have the episodic event area program. I am a little confused.

I am not against the motion, but requesting one time and that is apparently not what is up on the board. My second concern is similar to Terry's, because I can't remember the number. What do we have available as the 1 percent for all of us that are in it? Is that 4 million, 3 million? What is the number?

CHAIRMAN BALLOU: Mike, do you have that?

MR. WAINE: Yes, it is about 4.2 million pounds is that 1 percent of the TAC in this year. It obviously changes if the TAC changes, so that is why it is at 4.2 now.

MR. ADLER: Okay, but right now it is like 4.2 and we're going into this year. I am in favor actually of the motion, but I am concerned as Terry is that I wouldn't want New York to take so much that when it happens up in Massachusetts or New Hampshire or Maine there is nothing left for further north.

I am a little concerned. I am not against it. I understand what New York wants to do. I did want an answer about New York is requesting a one-time harvest, and how that differs from putting them into the program; apparently forever or as long as it's there. What is New York's position on that?

CHAIRMAN BALLOU: Why don't we get through the comments first and then we'll circle back to the issues that have been raised. Next I'll go to Lynn Fegley.

MS. LYNN FEGLEY: I am not opposed to the motion. I do have a question for Jim. Is there a reason why you can't shut the fishery down and harvest this under a bycatch? Is that because it is too much for a trip limit? Is that why?

MR. GILMORE: Yes, it is at 6,000 pounds a day. There is just no way they could do a dent in the size of the population. I mean there are all wild

estimates, but it is like what David said. It is like when we were back to a reduction fishery, you know 100 years ago. That is the size of this thing that no one has seen in many, many years.

MR. ERIC REID: Rhode Island has used episodic event for the last couple years and it's been a great help to the state of Rhode Island. I'm very sympathetic to the pending disaster that is going to happen in New York. I am pretty sure it will. We all know that's coming. But at 120,000 pounds a day, which is what the episodic event allows that is three days fishing for 12 boats. To have that entire episodic event wiped out, potentially in three days, I understand the 30,000 pound trip limit; but funny things happen when there is fish up to here. My question is, is there any other way to solve New York's problem other than potentially giving them a hundred percent of the episodic event?

I mean for example, could Virginia transfer 500 tons to New York, and have somebody that really knows how to catch a lot of menhaden at one time go up there and do it? I mean New York is talking about subsidizing the fishermen and not being able to do anything with the fish. To me, let Virginia give New York 500 tons, and send one of the big boys up in there and clean them up. You can clean them up in a couple of days and be done with it.

CHAIRMAN BALLOU: I'll just say, transfers are allowed under the program. Jim, let me just if I could, I am just going to run through the comments. I know you're taking notes as I am on some of the issues that are being raised. Then I'll come back to you and maybe you could address them in full. Next I have Ritchie White.

MR. WHITE: I guess I support Terry's concern. I think it would be totally appropriate for us to put a cap on the amount, because we're bringing New York in as a new state into this. The existing states don't have a cap, but I think it would be fine for us to set a cap for New York;

where we're making an exception and bringing New York in. Then secondly I guess I would have a question for Mike to refresh my memory of why New York wasn't part of the program originally. I just can't remember the discussion on that.

MR. WAINE: It came down to that the episodic events of menhaden showing up in larger abundances was more historical to the New England region. Jim is obviously documenting that these menhaden in the eastern Long Island Peconic Bay is episodic; they don't see it every year, but they've seen it the last two years.

MR. BORDEN: I've got a question for Jim, and then a couple of points I want to make; and I'll do it quickly. Jim, in terms of the size of the fish that you are encountering, what is the size of the fish, and this related question is is this a problem in the spring and potentially in the fall again, or is it just a spring related event?

CHAIRMAN BALLOU: Jim, do you want to jump on that one question?

MR. GILMORE: Let me tell you, obviously we've got a potential in the fall, because traditionally our fish kills, we haven't seen them in the spring. This is kind of the new thing; so yes there is a potential in the fall. Steve has got all of that. The size of the fish, I think they were anywhere, it's a mix from peanut bunker all the up to large adult fish. We've got the whole gamut.

MR. BORDEN: Thank you for that. I share Terry Stockwell's concerns. I would just offer the suggestion that I think we've got to think in a broader context here than just this. If we look at the actual performance and Mike put the data up of performance. In 2014 under this program, under the existing regulations without New York as part of it, we harvested all but 8 percent. Then what was it, 45 percent, Mike. You've got that slide on it.

MR. WAINE: Last year you only harvested 8 percent on this other side, and then this past year in 2015 you harvested 45 percent.

MR. BORDEN: I've got my numbers garbled. I mean the point is still the same. If you're harvesting 45 percent of the allocation and we have this problem in New York. Let's say it manifests itself in Connecticut and Maine. It is going to be a fairly short period of time before you're going to use the allocation up. What I would suggest is that I support adding New York to the program. I am not sure a cap is a good idea, although I fully support the concerns that have been voiced by Terry and others about using up all the allocation.

What I would suggest is that we either add this to the summer agenda item, the cap itself, so that we could regulate it or think about some mechanism where if the population manifests itself in a whole group of different states and we bump up against a cap, then we have some ability to do a facts poll increase or consider a facts poll increase in the cap to simply raise the cap. I am not willing to simply trade a problem in one state for creating a problem in another state. I think we've got to think in a broader context.

CHAIRMAN BALLOU: I'm going to go to Roy Miller and then I have Adam Nowalsky, and then I am going to go back to Jim for a response to several of the comments.

MR. ROY W. MILLER: Let me just state right up front that I feel Jim Gilmore's pain. One of my jobs was to head up fish kill coordination for the state of Delaware. I did that for 25 to 30 years. My point in raising this issue is that these are not all that unusual. It wasn't a matter of whether menhaden were going to die in our state; it was a matter of when they were going to die in our state.

It was an event that occurred with no degree of regularity. But the only regularity was that yes, there were going to be fish kill events. Now

most of our menhaden kills took place in restricted tributaries, boat lagoons, and that kind of thing where commercial level harvesting would be impractical or illegal.

But I think Rob O'Reilly touched on this. It is not unusual. Most of the states in the Mid-Atlantic areas have experienced these fish kill events, if not frequently then fairly regularly. We're setting a precedent by adding one state. Which states do you exclude from the ability to participate in an episodic event; in order to head off menhaden fish kills, which are distressingly common?

MR. ADAM NOWALSKY: I certainly appreciate New York bringing this to the table, and I think as we've heard around the table the episodic events was meant for something that doesn't occur normally; and as Roy just alluded to, fish kills do happen more often, quite frankly, then we would like to admit.

I am struck by some of the words that I've heard here. Most recently this board and the commission as a whole took an action with significant economic impacts just a couple years ago, and I am struck by what the public might take away. We are now using the terms "a nuisance fish" and that we have to "subsidize harvest" because if these fishermen go out and take the fish, they can't make money off of them anyway at this time. The message that sends is very troubling to me, and it definitely tells me that we've got to find some better solution to this issue. With regards to the motion here, I'm having trouble supporting it as is. I think I would have to see some type of number put on it. I'm not prepared to say what that number is, both in deference to the northern states, knowing what the impact might be, as well as the number that New York needs to address this situation. I certainly think we should not do this until Amendment III; this should be for one year and encourage this board to find some other way to take action on this issue moving forward.

CHAIRMAN BALLOU: Jim, let me go back to you now. I know there have been a lot of comments raised and you are free to respond to some or all of them at this point.

MR. GILMORE: Let me go from the bottom up. That might be a little easier. First off, and just to echo Adam's comments. The real thing we're trying to do is to get maybe some of these fish to market for a use because they have value. If we let this go down and we have this fish kill, they will all go into a landfill.

I think the commission is going to look pretty silly saying, oh wow, you had an opportunity actually to have a beneficial use of these fish. But we let them go to a landfill because of whatever. I think we can't wait on this. I mean I think we're all going to have a black eye if we don't do something at least to try to fix this.

The precedent by adding New York, again if you look at the map in the back of the briefing book, Roy, tell me where biological New England ends versus political New England and the Peconics, Fishers Island on the east end of Long Island Sound and all of Long Island Sound is part of New England, so it gets to be a little bit – but that is splitting hairs again – I still think that being part of that New England part of it makes a little bit of sense from a biological standpoint.

I did the size of the fish. I'll come back to the cap, because I don't have any problem trying to put an upper cap on this. But again, to Terry's comment, if we limit it to say a million pounds; well Rhode Island could take the other 3.2, Terry and you're still screwed. I mean that doesn't really fix that problem. But again we can talk about that.

Why we weren't in the program previously is we don't have a reduction fishery, we haven't seen menhaden. A few years ago when we were talking about this there were very few menhaden around except for our bait fishery, so we really didn't see the need. We hadn't had fish kills like this for many, many years. It really

didn't seem like we were going to have to deal with this, and hopefully when we get to the next amendment we would really think about it at that point.

We did think about having a commercial fishery, Eric, and actually I was going to maybe become friends with Omega to have them come up and bring a big trawler. First off that is, remember, the reduction fishery is most an ocean fishery with purse seines. This is a very shallow inner bay area, hard to get to.

You wouldn't be able to get commercial quantities of what would make it economically viable for anybody to do that. We thought about that it just wasn't going to work. The one time only, Bill, as this was unfolding we were trying to do this very quickly and get something in the briefing book. We were trying to tweak this as a modified episodic event with different limits, and it got very complicated. After I talked to Bob or whatever, he said it's very simple, if we just include us in the episodic event then all the limits are there and we have to meet the requirements of that; not customize an episodic event for New York That one time only thing was an earlier version, probably should have taken it out, but it is just cleaner if we just put New York and the episodic event under the current rules that were debated under the addendum; not as a new episodic event program for New York. I think that got all of them.

CHAIRMAN BALLOU: I think you did cover them all as well. I see two hands up. I am going to go to Tom and then Terry, and then I am going to look to the board to either move the question or amend the question.

MR. THOMAS P. FOTE: I am sitting here listening to this. This is not an unusual occurrence. In the last four years we've had fish kills in New Jersey up and down the coast because of warm water and low oxygen, and it happens, or the bluefish chase them into areas

and they get caught in those oxygenated areas and they basically die.

It is not an episodic event, it is a normal occurrence. It has been occurring. When I lived in Brooklyn I used to see it all the time. When I lived in New Jersey I saw it all the time. Yes, it is a shame to waste those fish; but basically you have quotas, you have set up a plan to do this. It is not an episodic event.

I am having a problem handling it this way. Since we have probably have had about ten fish kills in the last four years in New Jersey. It is not because of overabundance, it is because a lot of times they get chased into areas that have low oxygen by schools of other fish penning them. That is part of nature, I'm sorry.

MR. STOCKWELL: Thank you, Jim for your comments and thoughts. No doubt we have a big problem. Listening to all the comments around the table, everyone wants to help New York out, including me. **But I can't help out New York without a cap, so I'm going to make a motion to amend. The motion to amend is going to be what the northern states are going to do to help New York, and perhaps you'll be able to get some help from some of the southern states too. My motion to amend is; to cap New York to 1 million pounds of the episodic set aside for 2016.**

CHAIRMAN BALLOU: Is there a second to that. Moved by Terry Stockwell and seconded by Ritchie White. We'll get the motion up on the board. There has been, I think enough discussion on this issue that what I would like to do is once the motion is up and the maker is comfortable with it, I'm going to call for a vote on the motion to amend.

Then we're going to try to quickly move to the final vote; based on how that first vote comes out. Let's make sure we've got the motion correct. Terry, do I understand that this motion does two things; it would cap New York at one million pounds, it would also limit New York's

participation to one year, 2016. Do I read that correctly?

MR. STOCKWELL: No, my intention would be to add New York as an eligible state, but this cap would be specific to this year only; with anticipation that there be further board action to address a broader issue.

CHAIRMAN BALLOU: Thank you for that clarification. Is everyone comfortable with the motion, at least understanding what its intent is? If so, I am going to call for a one minute caucus and then a vote on the motion to amend. Okay, I'm going to call the question. **All in favor of the motion to amend please raise your hand; opposed like sign, null votes, abstentions – 2 abstentions. The motion to amend passes 15 in favor, 0 in opposition, and 2 abstentions. The amended motion becomes the main motion.** Are there any further burning comments or questions regarding what is now the main motion? I see three hands; I'll go to Bill Adler and Nichola and then Dave Borden, or Nichola in lieu of Bill.

MS. NICHOLA MESERVE: Just a question about the intent of this motion, whether it captures the other elements of New York's proposal that it is limited to the Peconic River harvest and a 30,000 pound trip limit.

CHAIRMAN BALLOU: Jim, what is your take on that?

MR. GILMORE: Again, we had the same thing. I mean we could limit it geographically, but then I'm starting to draw lines on a map and then we're probably going to be here for another hour if we start doing that. This is intended just for the Peconics, we have no reason to expand that. But I don't know where to draw the line, because you've got the north shore of Long Island and so on and so forth. We had a lot of small kills last year, which we were not going to harvest under. It was really these things where we have solely in the Peconics right now.

CHAIRMAN BALLOU: Dave Borden, did you have your hand up?

MR. BORDEN: Just a quick point. I can support the motion, but I still have reservations about the whole TAC and the potential impacts for all the other states up and down the coast. I will vote for the motion, but afterwards I am going to suggest that we add this item to the agenda for the summer meeting; and that the staff report on the status, and we include on the agenda consideration of increasing the allocation for this program.

CHAIRMAN BALLOU: Okay, I'll come back to you after the vote and we'll make sure we've got those points in the meeting minutes. At this point I would like to call the question. **This is now the main motion. It is a final action. Well let me ask this. Is there any opposition to the motion?** Seeing none; otherwise there would be a roll call vote.

MR. ROBERT H. BOYLES, JR.: Point of order.

CHAIRMAN BALLOU: Yes.

MR. BOYLES: I think because of final action, is it not required that we have a roll call vote?

CHAIRMAN BALLOU: It is required unless there is no opposition, and that is why I just asked the question. Again I'll ask, is there any opposition to this motion? There is. We will now have a roll call vote, thank you. I'll call for Mike Waine to call the roll.

MR. WAINE: Maine.

MR. STOCKWELL: Yes.

MR. WAINE: New Hampshire.

MR. GROUT: Yes.

MR. WAINE: Commonwealth of Massachusetts.

MR. ADLER: Yes.

MR. WAINE: Rhode Island.

MR. REID: Yes.

MR. WAINE: Connecticut.

MR. SIMPSON: Yes.

MR. WAINE: New York.

MR. GILMORE: Yes.

MR. WAINE: New Jersey.

MR. ALLEN: Yes.

MR. WAINE: Pennsylvania.

MR. LEROY YOUNG: No.

MR. WAINE: Delaware.

MR. MILLER: Yes.

MR. WAINE: Maryland.

MS. FEGLEY: Yes.

MR. WAINE: Potomac River Fisheries Commission.

MR. SCHICK: Yes.

MR. WAINE: The Commonwealth of Virginia.

MR. O'REILLY: Yes.

MR. WAINE: North Carolina.

MR. CHRIS BATSAVAGE: Yes.

MR. WAINE: South Carolina.

MR. BOYLES: Yes.

MR. WAINE: Georgia.

MS. NANCY ADDISON: Yes.

MR. WAINE: Florida.

MR. JIM ESTES: Yes.

MR. WAINE: NOAA Fisheries.

MR. DEREK ORNER: Abstain.

MR. WAINE: U.S. Fish and Wildlife Service.

MR. (?) DAVE HERR: Abstain.

CHAIRMAN BALLOU: The motion passes 15 in favor, 1 opposed, and 2 abstentions. Thank you for that. Dave Borden, do you want to just once again so the record is clear, repeat your request for what you would like to be on the agenda for the summer meeting.

MR. BORDEN: My request is that this item be added to the agenda for the summer meeting; that we get a report on the status of the program, including landings to date and that we specifically add to the agenda, consideration of a possible increase in the allocation for the program if needed.

CONSIDERATION OF DRAFT ADDENDUM I FOR PUBLIC COMMENT

CHAIRMAN BALLOU: With that we're on to the next agenda item, which is the Consideration of Draft Addendum I for public comment. This is an action item that being board approval of Draft Addendum I for public comment. We have 45 minutes, which now has been truncated considerably for this item; but I think we might be able to get through it. Well, we'll see how we do. But be advised that we probably now have about a half hour or less on this item. We'll begin with a presentation on the issue by Mike Waine.

MR. WAINE: I will do my best to move through this as quickly as possible. Let's talk about the timeline first. In February the board initiated this addendum to consider revision to the Amendment II bycatch allowance. We are

currently at the May board meeting, where the board is reviewing a draft for public comment.

If approved it would go out for public comment period from May through July, and at the August board meeting the board would review public comment on this document; and select final options, and implementation is obviously contingent on that schedule. In terms of the menhaden bycatch provision, let's talk a little bit about how that works.

A state gets an allocation, they open their fishery. All landings prior to a state reaching its quota count towards that quota, so regardless of whether it's directed or bycatch targeted whatever, all those landing occur until the quota is reached count towards the quota. Once the state reaches its quota it closes its menhaden fishery; and then can land 6,000 pounds per vessel per day under a bycatch allowance provision that was included in Amendment II. However, that bycatch provision doesn't allow two individuals to fish from the same vessel, because it is a vessel limit, and land up to 12,000 pounds of bycatch together. Instead they have to fish separately and land 6,000 pounds from separate vessels. This creates an efficiency; because in the Chesapeake Bay for example, it is common during that open season for pound netters to pool resources and fish together. These are family members that work each other's pounds.

Then the PDT examined that all stationary multispecies gear may benefit from the pooling their resources. Even though this is common to the Chesapeake Bay pound netting, the PDT also explored other multispecies stationary gears that may want to take advantage of this as well. Let's talk a little bit about the performance of the fishery.

From 2013 through 2015, remember Amendment II went in starting in '13, so we have three years of that quota management program. The bycatch allowance landings have averaged about 5.5 million pounds, ranging

from 4 to almost 7. This represents a small percentage of coastwide landings; about 1 to 2 percent.

By location the Chesapeake Bay jurisdiction, so that's Maryland, Virginia and the Potomac River Fisheries Commission, account for 81 percent of that average bycatch from those years. Then New York, New Jersey, Florida, Delaware and Rhode Island account for the remainder. By gear this is predominantly pound nets at 61 percent, and also anchored and staked gillnets that make up a larger portion of that 24 percent.

I admit this table is a little bit difficult to read, however it is very clearly in the addendum, it is Table 1. I'll just try to orient you to it and you can look at it in the draft addendum that was in your materials. The Plan Development Team, the columns represent states and the rows represent gear types; making distinction between stationary gears while fishing, which is the top portion and mobile gears while fishing, which is the bottom.

Within all the cells, is the average landings that occurred under the bycatch allowance within all those jurisdictions, the highlighted gray cells are supposed to give you a quick glance at what gear type is representing the most landings under that bycatch. That first row is pound nets; you see that very large percentage at 61 percent.

Then there are gillnets actually coming mainly from Virginia are what make up that other large component of the stationary gear types. I'll just point out that there are mobile gears while fishing using the set aside. Those percentages shown all the way to the right are much lower than those stationary gears.

Moving on to trips as opposed to landings, so from 2013 through '15 a total of 12,750 trips were landed under the bycatch allowance; that is a slight correction from what was in your document. I caught an error since the

document was released in your materials; but it is pretty insignificant. Almost 9,000 of those trips were from those stationary gears that we just talked about.

Again, the Chesapeake Bay is accounting for 88 percent of all stationary gear trips. Of those trips in the Chesapeake Bay, approximately 40 percent are from Maryland and PRFC from the pound net fishery, and approximately 59 percent are from the anchored stake gillnets in Virginia. When we looked at the trips by landing bin, so we separated the 6,000 pounds into thousand pound landings bins and looked at the distribution of the trips across those landing bins and across all the states. What we saw was 60 percent are landing under 1,000 pounds; these are smaller scale that is landing less than 1,000 pounds. The one gear type that rose to the surface where notable landings were exceeding 3,000 pounds was from pound nets. Ultimately this is again admittedly a little hard to read, but this is Table 2, very clearly documented in your addendum; and it splits up, once again the rows are the states.

These are total trips across the bottom, and then the percentages show the breakdown of those total trips within that state in the different thousand pound landing bins. You can see the largest category there being trips landing under a thousand pounds, and if you go to the next slide I just wanted to highlight that these are those trips that are landing those larger poundage's; being from Maryland and the Potomac River Fisheries Commission, and being attributed to mainly pound nets.

In summary, bycatch landings are largely from pound net fisheries in Maryland and PRFC, as well as anchored gillnet fishery in Virginia, pound net trips are landing menhaden amounts that would lend to cooperative fishing behavior, meaning landing those larger landing bins. However, we did explore this for more than just pound nets in the bay, and so there are stationary multispecies gear types that land menhaden as bycatch.

A little bit about stationary gears and landings composition. There was a request in this addendum to look at what the percent composition of menhaden was on these trips that were harvesting under this bycatch allowance. We did that but we're a little bit concerned with the figure, and I'll tell you why.

On average 71 percent of the catch and weight for all gear types combined were menhaden on these trips. But the PDT expected that because the trips that we evaluated were only the trips that actually landed menhaden. In essence this figure is biased, because we only consider the trips that landed menhaden.

We actually tried to consider including all trips, not just the ones that landed menhaden. But that task was too difficult to complete due to all the different fisheries that are harvesting menhaden under this allowance; and basically accounting for all those trips that those individuals would have taken.

There is another section in the addendum that just basically sort of tries to identify these gears a little further, stating that pound nets are fixed staked or anchored nets that possibly catch menhaden in large schools, so they are not actively targeting any species specifically. Staked gillnets are similar, in which they usually are fished in the same location, whereas anchored gillnets are stationary while set but can be moved daily. Gillnet catches depend on area being fished, and pots are not a multispecies gear and are usually targeting specific species.

We try to characterize some of those stationary gear types while fishing that we had identified in Table 1. We also threw in a section about the stock status. As a reminder the stock is not overfished and overfishing is not occurring. That is based on the 2015 benchmark assessment. The TC previously reviewed conservation equivalency from Maryland and PRFC, where they originally proposed a modification to allow this fishing together. The

TC reviewed those proposals and agreed that they would not adversely impact the biological status of menhaden, because one, the current healthy-stock status, two, there is that limited 1 to 2 percent that these bycatch landings represent coastwide, and that Maryland and PRFC pound net fisheries are limited entry; meaning they have actively put in some cap on the effort, and so there isn't a great opportunity for these bycatch fisheries to expand in these two locations for the gear types identified.

Now I'm going to move into the management options that the Plan Development Team included in this document after looking at all the data and considering the initiative by the board. This revises Section 4.2.1.7 of Amendment II. That is that bycatch allowance provision section that allows for this program to occur.

The status quo is that the bycatch allowance would stay at 6,000 pounds per day per vessel; so not allowing fishing together. Option B is working together permitted for all stationary and multispecies gears. We've just included language that would address that. Then we define stationary and multispecies gears as pound nets anchored/staked gillnets and fyke nets.

The PDT excluded pots because it is not a multispecies gear, and it is usually specifically targeting species. Option C is working together permitted for all stationary and multispecies gears operating in a limited entry fishery. Remember, this gets back to the TCs approval; which they liked that the programs from Maryland and PRFC were for pound net fisheries that had limited entry in place, though that was an effort cap.

We included in here an option that would basically only allow this fishing together to happen for stationary multispecies gears that were operating in the limited entry fishery. Here is a table. I don't expect you to be able to see this, but once again it is in your addendum;

it is Appendix 1. I would just like for all the commissioners, if we end up finalizing this, to confirm that that last column which identifies the gear types that are limited entry is correct; before this goes out for comment if it does.

I just wanted to mention that table as I will be looking for the board to make any corrections. We might be missing a little information, so please check out Appendix 1 to make sure that information is correct for your state. Then Option D is the last option; and that is that working together would be permitted for pound nets only.

This gets back to the original request in that two individuals fishing together reaching that bycatch limit is most commonly documented for pound nets; and that is supported by the data. Those are the four options that were included in the document to address this. Then in terms of compliance statement, implement any applicable changes whenever that occurs upon final addendum approval.

Whatever the board decides on this the states could implement that relatively quickly, or the board could determine when an implementation date would be appropriate. The PDT just felt that appropriate to note, which I think is something that everyone is probably thinking about that we have initiated Amendment III.

We will definitely be revisiting state-by-state allocations, and just allocation in general; and so keeping that in mind wanted to inform everybody that that is slated for sort of a next step here. Anything selected finally in this addendum may ultimately be changed through the Amendment III process, depending on whatever happens with that management document. I would be happy to entertain any questions at this time.

CHAIRMAN BALLOU: We'll take questions from Mike, and then we'll take suggestions for any changes to the draft document.

MS. FEGLEY: My question is just Option D, and I think it is clear in the draft addendum; so pound nets in this case, does that include the floating fish traps? What is included in pound net?

MR. WAINE: Yes good question, Lynn. To make it easier we did call pound nets and consider, the footnote is on Page 4, it says pound nets include floating fish traps and fishing weirs. This classification applies throughout the document; including the management options. You are right; there are regional differences in what are referred to as pound nets. The PDT interpreted that as even though it is called something different they are still considered pound nets. That is all the data shows under that same designation as pound nets.

MR. STEPHEN TRAIN: Mike, I want to make sure I understand this right; because we just spent about 25 minutes arguing about where 1 percent of the fishery was going. We have almost 2 percent of the fishery that is caught and not counted at all in the quota?

MR. WAINE: Correct. At the time that Amendment II was finalized not a lot was known about the magnitude of these bycatch fisheries. You are right that the landings under this bycatch allowance do not count towards the TAC, which was a decision that the board made through finalizing Amendment II. It also represents approximately 1 to 2 percent of the landings coastwide.

CHAIRMAN BALLOU: Additional questions for Mike.

MR. EMERSON C. HASBROUCK: Mike, I know there is a table in the document that you had on one of your slides that shows the percentage of trips by thousand pound bin classes for stationary gear. Did you look at the mobile gear in that capacity as well at all, you know in terms of trips in the different bins? The reason I'm asking that is in New York, actually most of our harvest is with beach seines rather than pound nets.

MR. WAINE: Yes, so we did. But because the options are limited to stationary gears while fishing, and they don't apply to the mobile gear types, we didn't include that information in the addendum; because the PDT progressed to moving on to specifically the stationary and multispecies gears, which was the original intent of this adjustment to begin with.

But we did look at it; we actually looked at it overall combined. I don't have the data in front of me, but given that the stationary gears accounted for a large percentage of the trips and the landings anyways, the smaller percentage of trips and landings coming from mobile gear types. I would anticipate seeing similar patterns in the mobile gear data as we saw in the stationary gears; in that a lot of those trips, or at least a vast majority of the mobile gear trips, would be landing less than a thousand pounds.

MR. ADLER: First of all, if something like this goes through is this only for the Chesapeake Bay or is it for all of our states that may run into this particular problem with like nets? Does this apply to us all?

MR. WAIN: I realize that I highlighted a lot of examples from the Chesapeake Bay, Bill. But the options even though this was commonly documented in the Bay, the use of multiple people on one vessel fishing together; the PDT took a broader look at it. It is not just limited to the Chesapeake Bay jurisdictions. All the options depending on the different gear types that they identify, would apply to any state that had that gear type fishery for menhaden within their state. The short answer is no, it is not just limited to the Chesapeake Bay jurisdictions.

CHAIRMAN BALLOU: Additional questions for Mike?

MR. ESTES: I really hate to bring this up. We made a decision earlier to allow the bycatch for cast nets, for the 2016 year. Does this change affect how we are doing that?

MR. WAINE: No, the only thing that this addendum considers changing is this allowance of two individuals to fish together from one vessel; for stationary, multispecies gears. Depending on which option is selected by the board, it would depend upon which gears are eligible or not. It does not deal with mobile gear types. We simply included that data in here to provide more perspective to the board about what gear types in totality are landing under the bycatch allowance.

MR. HASBROUCK: Relative to that question and the answer from Mike, my question is in terms of process. Is it inappropriate or too late at this time to include an option that speaks to specific mobile gear and doubling up on the trip limit?

CHAIRMAN BALLOU: It is not too late. I will get to that in a second. That would be an addition to the addendum that the board would need to consider; if you wanted to make that recommendation. I just want to make sure we've exhausted questions first, and then we'll get to potential changes to the document. Are there any further questions for Mike? Seeing none; Emerson, did you want to make that suggestion?

The way I would like to proceed with regard to any suggested modifications is that we'll entertain the suggestion, we'll see if there is consensus on the part of the board to include it. If there is we will certainly make note of it, and make sure it's included. If there is opposition or concern, we'll probably set it aside and then come back and vote on it. First I just want to get the issues on the table, and so Emerson, if you have one that you would like to offer now is the time to do it.

MR. HASBROUCK: I don't have a motion prepared, I'm just thinking of this on the fly here. But I would like to include an option to allow haul seines/beach seines to participate in this program.

CHAIRMAN BALLOU: I'm going to just let that marinate. I am going to come back to the board once we get our sort of laundry list of suggested changes, and we'll see how the board feels about them. Are there any other suggested changes?

MR. TRAIN: I am looking at this and I'm just wondering if there is anybody else around this table that thinks we've made a mess of this, since we thought we were overfished. I mean this is a species that is not overfished, overfishing is not occurring. We've got an uncounted bycatch that is twice what six states are fighting over to get a piece of.

It is not counted in anybody's quota. It is driving me crazy. I think we're trying a slight of hand to try to make everybody happy; and we're supposed to be managing a fishery. I think we should add an Option E that counts this in every states quota, and if we have to move the quota up to accommodate it, we do it. But this hide this behind my back and don't tell them that we did it stuff that is not the way we should manage fisheries.

CHAIRMAN BALLOU: Okay so again I will come back to this, but I understand your suggestion to be that you would want an additional option that would modify the addendum by changing bycatch to landings that are subject to individual state quotas. Do I understand that correctly? Okay thank you and I'll come back to that. I just want to first get the issues on the table. Other issues that members of the board want to offer regarding this draft addendum; changes to it.

MR. W. DOUGLAS BRADY: I'm just curious; do you anticipate this increasing the bycatch amount? I'm trying to get my head around what this might do to the bycatch amount that we presently or historically get?

CHAIRMAN BALLOU: Mike, do you want to take that?

MR. WAINE: Sure. I'll say that that is part of the reason that the Technical Committee liked that this was for limited entry fisheries; meaning there is a cap on effort, and that is one of the options in the document is that this only be allowed for gear types that have limited entry in place.

Just to remind the board of a little bit of history. I didn't want to get bogged down on this, but I think it is relative to the question. Maryland and PRFC tried to pursue this through conservation equivalency saying the plan currently allows two individuals to land 6,000 pounds separately, can we allow them to land 12,000 pounds together is essentially the same; conservationally equivalent.

The concern was, okay will that increase the amount of landings now that we're allowing people to work together? That is the reason the Technical Committee liked that that was limited entry, because it limited the ability for those landings to really exceed or really increase substantially. We haven't fully evaluated this for some of the other options, Doug.

But ultimately I am not sure, and this is something that the board members should think about. If some of their gear types were afforded this provision, would it really change how their fisheries operate? I think you all know that probably better than we do; because we just don't have a lot of information to draw that conclusion.

MS. FEGLEY: I think I am going to start to sound a little bit like a broken record, but I feel compelled to go back to the genesis of this a little bit. When we initiated Amendment 2, in that very long discussion, we talked for a very long time about the impact of this on these non-selective stationary gears that are licensed to a site; so they can't move around and they get these big slugs of fish through. In many cases when you discard these fish from a pound net they are dead. It is a little bit like Jim's

problem in New York, you've got dead fish washing up on a beach. In the Chesapeake Bay we have about 10 to 12 people who catch the majority of our menhaden harvest.

They work in families, so traditionally what they do is they go out in their boat in the morning, they are a father and a son or a husband and a wife, and they go to one net and then the other. They fish together. What happens is, in our case and the reason we brought this forward was that during the open menhaden season they are fishing communally, so they are fishing from the same vessel.

Then when the fishery closes they still want to get to both those nets. What they're doing is they're commissioning another vessel; and in some cases these are not particularly safe vessels, or if they are they are doubling their fuel and their crew costs, because you don't really fish a pound net by yourself. It takes more than one person to work that gear; unless you're superman or superwoman.

In Maryland the bottom line is that these fish are going to be caught. They are going to do it, they are going to catch them, and if they catch them more efficiently for fuel and crew, we think that is our responsibility to help them do that. I could not agree more with my colleague down the table that it is absurd that we're in this situation now with this bycatch allowance that doesn't count toward a TAC.

I think we all realize the issues with that. I think Amendment III; we need to keep our eye on the Amendment III bar. We have a lot of real logistical management problems with the menhaden right now. I think we all have a really good sense of what they are now. We've learned a lot in the last few years, and I think it is going to really empower us to go forward with Amendment III.

Again, this addendum we were hoping to do this through a conservation equivalency; because we are going to catch the fish. We

couldn't do that so we requested to initiate this addendum. I would really, really appeal to the board not to make this issue more complicated by adding gears and everything else. I understand, I will say it is a real problem for these big, stationary gears that don't move. Thank you for listening.

MR. O'REILLY: Just a couple of quick points to Mike's question about the states knowing more how they would handle sort of a system of bycatch and what it would detail. It would detail a lot of extra effort. Although there are limited entry systems there certainly are ways that we don't know about all the states, and what they do, and who is going to be participating; who's going to be motivated to take care of what has happened with a truncated supply. That is one thing; the other thing is Steve Train is absolutely right.

As we move forward with Amendment III, we should look for quotas. I mean we have built a house and added all these different parts to it, and it is becoming that when one part sags then we're going to go and fix that part, and then the other part sags. It really is cumbersome. It doesn't make a whole lot of sense. The other part here is just to respond to capacity we had about seven, maybe eight calls that Robert Boyles led on allocation. They were good calls. But very early on my recognition was when people were talking about capacity; they were talking about what existed then, several months ago. I was always thinking about capacity, what really is it that everyone needs for their capacity? One of the big challenges, and it shouldn't be a real burden is for this board to address that through Amendment III.

What is the capacity? What is the growth that is expected; because as soon as we clamped down on the supply, problems just started erupting everywhere? If the assessment had such a glowing picture, and by the time we get down the road to 2018 we have an update and it's the same. By the time we get to Amendment III, we ought to meld that in.

What we're doing now today is symptomatic of a system where the main emphasis was to reduce quota, you know establish a TAC, reduce quotas. Everyone even knew back in December of 2012 that the bycatch was squirrely. It was sort of a problem even then, and it is a bigger problem now.

The last think I'll say is practical about pound nets. In Virginia we didn't ask for this to be included in this addendum. In our system we have licensees; one licensee might have 15 pound nets. But he is the licensee or she's the licensee and they're responsible for the bycatch, regardless of how many nets they fish.

That is the way we operate. We are less volume than Maryland, but at the same time there are differences, and that is why we're not in the addendum. It is just the way the fishery operates. It has, as Lynn indicates, a crew and they do help out with the harvesting obviously. It is a challenge to fish a pound net. I mean there are differences even regionally within the Chesapeake Bay.

MR. RUSS ALLEN: I'll echo some of the things that Lynn had to say regarding the pound netters that also we do for the anchored gill netters, they are families, they are father, sons, brothers whatever that are trying to pick up a few extra menhaden when they can certain times of the year.

I'm sympathetic to what Emerson is talking about with seines; but if you open up this to mobile gear, I think you're also going to add in drift gill netters, and that just sends us down a path that I don't think we want to get to. Like I said, I'm sympathetic to what New York has to say there. I would rather we stick with just this fixed gear thought process for this addendum, and move on.

There has been enough comment about we really need to get our act together, so somewhere down the line we need to do that. But we have something in front of us that we

spent a lot of time on at the last meeting discussing, and making sure that everything was going to be in this that we needed in there. Now we're talking about adding more gears in there that I don't think we would want to go down.

MR. SCHICK: Rob basically said most of what I wanted to say, but also I think these additional gears can be addressed in August when we raise, I think that is what we need to do. I mean we're all talking about again 1 percent, 2 percent. If we raise the TAC all these problems go away. Now this is the situation we probably need to do. I have no problem with it. It is calling something, something that it is not. It is not bycatch. This is catch. It should be included and we need to raise the TAC, and we need to do what is right with all of this type of stuff, and that way mobile gears get what they need, states get what they need. Everybody gets what they need and problem is gone. Let's just get through this and go forward and then really think about what the real prize is, and that is getting it right; and think about raising the TAC and getting Amendment III nailed down so everybody has the fish that they need.

CHAIRMAN BALLOU: Seeing no hands, I do want to try and wrap this up. Are there any other suggested changes to the document that anyone on the board wishes to make? I'm going to go back to the two that were suggested, but first I just want to make sure we've got the issues covered. I don't see any indication of any further suggestions.

Let me go back first to Emerson, your suggestion. There has been some good discussion on the issue. I think you've heard some of the board's thoughts and comments on it. Do you wish to advance that as a proposed change to the addendum? If so, I'm going to need it in the form of a motion.

MR. HASBROUCK: Yes, I'm prepared to make a motion to that affect. I would move to add an option that allows working together permitted

for all stationary gear, as well as haul/beach seines.

CHAIRMAN BALLOU: Is there a second to that motion? Seeing no second; the motion fails for lack of a second. Steve, let me go to your issue. Do you wish to advance that in the form of a motion?

MR. TRAIN: After listening, I think we can wait for Amendment III to get to that. I would be happy to not move that forward at this point.

CHAIRMAN BALLOU: Thank you, that makes me happy as well. We now need a motion to approve Addendum II for comment. There have been no modifications made today, so it would be as presented to the board today. But we don't really need to say that. **Well, we can say that. I would be looking for a motion that moves approval of Addendum I for public comment as presented to the board at its May, 2016 meeting.**

MR. ADLER: I'll make that motion; what you said.

CHAIRMAN BALLOU: Thank you and we'll look to staff to make sure they get it right. I see Dave Simpson as a second. Move by Bill Adler, seconded by Dave Simpson; let's wait for the motion to get up on the board. Bill, are you comfortable with that wording? I believe it is consistent with what I had suggested. I believe we've had a very healthy discussion on the issue. Is there any further discussion on the motion? This does require a vote. I will give you 15 seconds to caucus.

Okay, ready. I'm going to call the question and Mike will make note of the tally. **All in favor please raise your hand; opposed like sign, null votes, abstentions, the motion carries unanimously.** I am going to go back to Mike for one quick clarification. He wants to make sure that the information in the document is accurate.

MR. WAINE: I mentioned this during my presentation, but I just wanted to highlight it again and point out that Appendix 1 is a table from all the states and jurisdictions about what the bycatch limit is, whether a state further defines non-directed fisheries, and the most important column in there as I mentioned is the stationary gear types that are limited entry. Because one of the options specifically says that it would only be for stationary gear types that have limited entry, it is important that the states correctly identify which gear type in that table are limited entry; so that when the public comments on this they can adequately know which gear types have limited entry in place.

Please see me by; let's say the end of today if that table is not correct, as we will look to publish this document very quickly to get it out for public comment. Then also if you would be interested in conducting a public hearing on this document, please let Megan and Tina know so that we can schedule that and get it announced to the public.

CHAIRMAN BALLOU: I think the last issue here is the issue of whether states wish to conduct public hearings on this addendum. I think Mike would benefit by knowing either now, well let's say now. Mike do you want to just with a show of hands, is that how you would like to proceed on this?

MR. WAINE: I think it's just best if you e-mail us on that same timeframe, if you know you're going to want a hearing e-mail us by the end of today or tomorrow; so that we know sort of how to plan and we can try to schedule them appropriately. I don't need a show of hands right now, but just let us know quickly so that we can start working on the logistics.

PROVIDE GUIDANCE TO THE TECHNICAL COMMITTEE REGARDING STOCK PROJECTIONS

CHAIRMAN BALLOU: We are now on to the next agenda item. We're running a little bit behind, so I just want to urge us to try to move

through these last few agenda items as quickly as possible. The next item is providing guidance to the Technical Committee regarding stock projections. This was mentioned earlier and now we're at that point. I believe Jason McNamee has a presentation, so at this point I'll turn it over to Jason.

MR. JASON McNAMEE: I am going to get into brutal, gory detail on assessment stock projections here. Just kidding, Mr. Chairman, I know I will go very quickly. It came to our attention that there may be a need to update our projections. We did some a couple years ago after the benchmark, but we became aware that there may be a need to update those.

I am just going to quickly go through what's behind the projections, very quickly, and just give you a sense of the feedback that we need from you all to move forward in the most expedient manner possible. The easiest thing for the technical folks to do would be to use the output from the BAM model, this is the Beaufort Assessment Model, the peer review approved model we use for menhaden; and to also use the projection methodology that was detailed in that last peer review.

I'll hit a couple of the assumptions. We used some functional forms to describe some of the population dynamic; I'm talking about things like selectivity and recruitment. This would be a curve like a dome-shaped selectivity curve. Those things are already built into there and we would not be inclined to change them unless somebody wanted us to.

Median recruitment is another big assumption that we used in our projections. Another big one is that the allocation remains the same moving forward; this is the allocation that occurs between bait and reduction. Then finally the main point here is does the board want us to revisit all these things, you can see them itemized up there, or are you comfortable? We kind of hashed this out the last go around. Do you want us to hash that out again or are you

comfortable with our original decisions, and would you like us to move forward with those? Keep that question in the back of your mind as I tick through these next slides.

The one thing that we can change and update is the catch input. We know what happened in 2014 and 2015, so we can use the actual catch information rather than the assumptions that we made the first time before those years occurred. We also for the timeframe of the projections, we used a pretty short timeframe.

We used 2015 through 2017. The reason for that is menhaden are not a very long-lived species, in particular in current times. We wanted to keep at least one observed data point in the projections, so that is why we only ran it through 2017. We can go beyond that if you would like, but what you lose at that point is an observed data point; one of those cohorts kind of moving through.

This is some of the projection runs that we ran last time, and so the very first one status quo that was the reduction from the historical time period; that is the TAC that we were operating under back in 2015. We ran then a series of runs relative to that historical time period; the reduction from that historical time period.

You can see in the table there the first set of rows is the percent risk of exceeding the F target; and you can see depending on which of those TACs we ran, there are varying degrees of risk. Then the last one was a constant TAC to achieve an F target in 2017; so you kind of look out into the future and say at that year certain we want to be at some assumed risk percentage, at the time it was chosen at 50 percent, and I'll come back to that in a moment.

How about projection runs for 2017? We can update projections to show different catch scenarios. However, the quickest most expedient, the most efficient thing we could do, is if the board picks some TACs that they want to see, rather than have us run 5,000 different

iterations of TACs that run the gambit; that you will then have to struggle to think about.

You can offer us some very specific advice and we can move forward with that advice. That is the most efficient thing for your technical folks; so I just offer that editorial, I guess. You can offer a status quo; that is what we had in 2016. That was that 10 percent increase from the 20 percent reduction from the historical catch.

You can also again provide us specific advice for a TAC, or you could give us the advice that you would like to see a TAC that will achieve an F target in 2017. What we need, and again this is another one to kind of stash in the back of your head as you make your decisions on this. We need a risk level. We chose 50 percent last time; we being the Technical Committee. We did that because we did not have any advice otherwise, and it is sort of a standard that is used for a lot of different species.

If you don't like that we would need that guidance to alter that. Just a couple slides here on caveats, and these are caveats, this is the fine print at the bottom of a commercial here; and these are for all projections for all species ever. Projections are highly uncertain. They do not include structural model uncertainties, so the only thing it propagates forward is some of the uncertainties that are specified in the model; but not the underlying structural uncertainty. They are conditional on a set of functional forms; so for selectivity and recruitment you just have a functional form that you plug into your projections and run forward with. The fisheries were assumed and will be assumed to continue at current proportions of allocation between bait and reduction. This is important because it interacts with the selectivity for each of those different fishing sectors, I guess.

New management regulations that alter the proportions, they would have impacts on the projections. If future recruitment is characterized by runs of large or small year

classes kind of in a row; that would affect the performance of the projections. Again, we're assuming median recruitment, so if things don't happen at that kind of normal level that will affect the performance of the projections.

Then the final point here is that the projections apply the Baranov Catch Equation, so that basically assumes some mortality occurs all year long. If you put in something like a seasonal closure or something like that; that will alter the performance of the projection, because that is not one of the assumptions that we've made.

Also, if the fishery is occurring at specific times during the year that would also impact that; but we're using the Baranov Catch Equation; assumes mortality is occurring all year. That is my whirlwind tour of the projection methodology. Before we get into questions from you, we need to confirm that we are okay moving forward with the assumptions that we used the last go round. If people want that to be different, we would need that specific advice that would create a delay; just so you are aware, because we would need to rehash that out.

If you specify a TAC, you specify specific numbers you want us to see that will save us running additional unneeded or unwanted runs. The more specific you are there the more efficient we can be. If a constant catch or a constant F approach is desired, we would prefer that you give us a specific level of risk; so we want that F target to be at 50 percent or some other value. We used 50 percent last time, So Mr. Chairman that is it for me.

CHAIRMAN BALLOU: Excellent presentation, and thank you very much for sort of wrapping it together at the end there with the three key issues; and that is the assumptions, whether the board is comfortable maintaining the same assumptions as were used previously, whether the board wishes to specify TAC levels and if so what those levels should be; and if the board

wants to utilize a constant F, what level of risk the board wants to use.

I believe 50 percent was used previously. What we're looking for is board consensus here. This won't be an issue subject to vote, but it is important for the board to provide guidance as specific as possible; to ensure that we do return in August with the information that the board wants and needs in order to take up the issue of specification setting for 2017, which is the issue that this underlies, or overlies I guess you would say. With that I look to the board for comments and suggestions.

MR. BORDEN: I make two suggestions. I would like to see the level of risk analyzed at the 50 percent level, and then some higher level just so we know how sensitive the assumptions are to that. If for instance they do 50 percent and 55 or 60 percent, I'm just picking numbers; I think there would be benefit in doing that. The other suggestion would be for us to look at a range of different options on the bait reduction allocation. I can envision as we move forward with menhaden management there is going to be an extensive discussion on that relationship. I think we should understand what the impacts are.

CHAIRMAN BALLOU: Additional comments, suggestion? Rob O'Reilly. I'm sorry, Rob, can you hold for a second? I should have given Jason the opportunity to respond. I'll probably do that on each issue.

MR. McNAMEE: I just want to clarify. Dave, you said 50 percent and then you offered 55 and 60 percent. It is the inverse, so to be less risky by an additional 5 percent and 10 percent is what you meant.

MR. BORDEN: You are correct; it is cold medication.

CHAIRMAN BALLOU: Now to you, Rob.

MR. O'REILLY: I think I'll respond to a couple of things, one the 50 percent is something that was recently used in a manner with striped bass; where the expectation was there would be a 50 percent probability of achieving the target F. It also has a basis in the courts going back to 1993, where the 50 percent standard was looked for with summer flounder.

I think that's a reasonable approach. The situation with the median, Jason sounded a little bit foreboding about that; but I guess that is something that you wait and see how things react. I think he described it well that if you have unusual recruitment in either direction compared to the median, then that is going to be problematic.

But I guess that was what the Technical Committee and the Stock Assessment Subcommittee lighted on back a while ago. I am going to say that Jason said their job would be easier if they knew what a TAC would be, and I think as a boundary, when we look at this and I listen to what happened today and some of the comments since 2012.

One thing to look at is what the TAC was or should have been if there was no reduction back in 2012, plus anything that has happened with this bycatch allowance. Some may not think that is even an upward boundary. But at least if we're going to look at this we should look at different parts of this, including where we stand now, where the capacity might take us.

I was really sort of bent out of shape I guess back in February of 2015; when we never really had a chance as a board to go over the various scenarios that the Technical Committee presented. I mean I know we could read about them, but there really was no discussion. The board jumped out with an option pretty quickly, and that evaporated any discussion about risk.

We had information about risk back then; risk to the population from various increases; that I

think went from 10 to 40 percent back at that time of where we were after the reduction in 2012. I hope that is clear that we should look for that situation prior to the reduction plus what we have done with other aspects we've talked about. We're moving into an area of Amendment III where even the episodic might need to be revamped, the bycatch, everything else. I think we can at least look at an upper bound. Someone else again might not think that is an upper bound for a TAC.

MR. SIMPSON: Maybe Jay can help me. I thought the projection, you asked for advice on what TAC we may want to see. But I thought that would come out of the risk probability or probability of not exceeding the target F; that if you do that run what TAC can we take with a 50 percent chance of exceeding the quota. Could you respond to that? I was thinking the upper bound would be and then 75 percent certainty that we would achieve the TAC, would not exceed the TAC.

MR. McNAMEE: I think you're right. That is very specific advice. If you said we want you to not exceed the F target by some risk level in 2017. That is a single run, so that is what I was getting at. Even more direct is if you said we want a 10 percent increase from today or whatever the board's desire was. Anything that is that specific is helpful to us.

CHAIRMAN BALLOU: Do you want to follow, Dave.

MR. SIMPSON: Yes, so I think that would make sense, to see what the TAC would be if we used the 50 percent probability and then maybe others have other amounts to offer.

MS. FEGLEY: Jason, I hate to bring this up. I'm going to feel like a little bit of an idiot. But when we talk about a TAC that would achieve the target with some probability; are we talking about the target that came out of the 2014 assessment, or are we talking about the target

before that? They were different, right? I don't know that we adopted officially the target.

CHAIRMAN BALLOU: I think Mike is going to take that.

MR. WAINE: Yes it is the reference points that came out of the 2015 benchmark stock assessment that we finished at the end of '14. The board has accepted those for management use, and those are the ones that we're using when we talk about the targets and threshold in Jay's presentation.

CHAIRMAN BALLOU: Lynn, do you have a follow or are you okay?

MS. FEGLEY: No thank you that was my question.

MR. WHITE: I think I saw on a slide that you said that the run would be subject to the same percentage bait and reduction. If that was going to change then you would need to know that. I guess I would ask that the run include a change in that; being an increase in bait. I guess I would look for help around the table to come up with the amount of change.

MR. McNAMEE: I understand, Ritchie, what you're getting at. Just to clarify, it is using the catch that we have realized. That is what the model then kind of runs forward with existing, so what you would be asking for is a simulation of some sort that increases that on some trajectory. Now we're getting into a realm where we would have to have discussion, and I don't know, we could do that.

But I'm suggesting, I don't know if that would be a long discussion. The more advice that you could provide us would make it quicker. You want it to go up by 5 percent or something like that. I just want to clarify that. It does use the existing what's happening now, but then it makes the assumption that carries forward.

MR. WHITE: I guess I would add 5 percent, but I would also look for some advice around the

table what other percentages states might think would be appropriate.

MR. WAINE: I'm thinking on the fly, and Jay, correct me if I'm wrong. If you run a projection that changes the distribution of harvest between bait and reduction, you are essentially changing the allocation of the fishery. In order for that projection to make sense in reality, you have to also change the allocation in the fishery to match that projection.

Ultimately what I'm trying to get at is I think what you're talking about is a projection that looks at a change in allocation; which I'm not saying that we couldn't show the board. I'm just saying that that doesn't match where we currently are at with managing the menhaden fishery, because we already have allocation in place that determines what that breakdown between bait and reduction is. Jay, can you jump in if I misstep there.

MR. McNAMEE: No, you didn't misstep, Mike. I don't know that. The importance of it in the projection methodology is the selectivities are different between the two fisheries, the two fleets. When you shift some of the catch into a different selectivity, it impacts the outcome. It has unintended consequences as well; and so it is kind of a heady decision, I guess is what I'm getting at. It is not necessarily; oh I'll just check it out and see what it looks like. It is that; but it is changing because of these underlying specifications that we've made to the projection methodology.

CHAIRMAN BALLOU: Ritchie a follow up, or are you good?

MR. WHITE: I guess I don't have my arms totally around this, so I guess I would look, see if there is support from other states to do this.

MS. FEGLEY: I wonder given the conversations that we've had with eels and menhaden, where we know we've got states that have been underreported. If I understand the allocation is

between bait and reduction is based on what's been reported. I think we would all agree that the reduction fleet has potentially been better reported than the bait.

I guess my question is to Ritchie's point. Is there a way, if we do the projections based on this allocation that is based on underreported bait landings; are we setting ourselves up to be in the same spot that we've been in and we are in with other fisheries? Now, knowing what we know with better reporting is there a way to estimate what the magnitude of that underreporting might have been in the bait fishery and scale it up; and see what the impacts are. I would be curious to hear other people's thoughts on that.

MR. SIMPSON: My thought is that is something we definitely want to look at through Amendment III, but maybe this is a little bit early for doing that. But come Amendment III, I think we could develop some specificity on what we would like to look at. I think better to hold off on that for this go around, this particular exercise.

CHAIRMAN BALLOU: I was thinking the same thing. I want to make sure the board is cognizant of the fact that what we're going to be doing in August is setting specifications for the 2017 fishery, pursuant to the existing Amendment II program; and then taking up potential changes to the program next year through the Amendment III process. I mean some of what I'm hearing today seems to be, as I think Dave was indicating, knocking on the door of changes to allocation; which are going to be ripe for discussion next year, but not necessarily, in fact probably not at all this year. Keep that in mind as you're thinking through this issue of advice.

MR. O'REILLY: I know I already had a chance. But I think what Dave had to say gives me a better situation of what Jay is really after, but I'm still in the hopes that there will be something similar to what we had in February

of 2015. In other words, back then it was risk involved; but also with a 10 percent, 20 percent, 30 percent and 40 percent increase in the TAC. Is that something that's still reproducible through the projections? I guess that's a question for Jay, maybe.

MR. McNAMEE: Yes. Just so it's clear. That isn't what we did last time. It's a nuance difference, because you saw 5, 10, 15, it was up there right. But they were all relative to the historical time period. What you would be asking for is something different. But it is very specific, and we could certainly do that.

You should tell us where you want to increase from, now perhaps by 10 percent, 15 percent whatever that is. We can do that. While I have the floor still, Mr. Chair, one thing from the comment that Dave Simpson made earlier. I appreciated the specification of the risk level by the date at which – so one of the questions we had is, is 2017 okay or do you want us to go out further? I think we would suggest 2017 is probably where you want to be at. But specifying a date is also important.

CHAIRMAN BALLOU: Okay I want to try to pull this together. It's been a very good discussion. I think the key though is clarity and specificity with regard to what the board wants the TC to do regarding its work on stock projections for 2017, to be brought back to the board at its August meeting.

I really think now is the time to try to pull together some firm recommendations that speak to perhaps the comments that have already been made; but give Jason the guidance that he's seeking from the board. I'm really looking for a wrap up right now, but I'm looking for it in the form of sort of final recommendations.

We're trying to do this on a consensus basis, so I don't want to get into voting on these issues. But I do want to make sure that those who have strong feelings about the issues offer their

suggestions as clearly as possible, and then I'll look to the board for a consensus. I'll go to Dave and then Rob O'Reilly.

MR. SIMPSON: The other I think that would make sense, would be do the status quo quota, 187 tons. What would the probability of exceeding the F be? I think that would be a good bound for me.

MR. O'REILLY: I think it is solidified, but that plus a 10, 20, 30 and 40 percent increase; because I think we need to see that. We didn't really get a chance to see that before. I thank Jay for educating me a little bit. That is my recommendation.

CHAIRMAN BALLOU: Rob, those increases are from where?

MR. O'REILLY: From now, current TAC.

CHAIRMAN BALLOU: I think that is important to clarify.

MR. WHITE: Trying to still come to grips with what I'm trying to accomplish. What if there was an increase in the overall quota in August that was by state, such that that then changed the allocation between reduction and bait? From that standpoint is it worth looking at what I originally asked?

MR. WAINE: Ritchie, I'm equally having trouble wrapping my head around how that is not a management change from the allocations that we've already included in Amendment II. There is an allocation percentage that is assigned to every state based off their landings history from 2009 through 2011.

That percent is how we take the TAC, which is the numbers we're talking about, and then just multiply those state percentages; and that's what determines what each state gets. What I'm thinking or suggesting actually ends up being a change to allocation, which would require a management document to achieve.

CHAIRMAN BALLOU: Rob, I'm wondering if I could suggest. I think you had offered a 10, 20, 30, 40 sequencing of increases. I'm wondering if I could add in a 5 percent to that. Well, I'm going to suggest to the board that we add in 5, and I say that because I think 5 represents essentially something that I think I heard you offering, Rob initially; and that is capturing bycatch plus episodic, and that's being generous to be honest with you, 5 percent.

But it at least knocks on that door, if you will, of sort of where we are currently plus bycatch, plus potentially an increase in episodic. That would be a 5 percent increase, and then to your suggestion we would go up from there. But I would like to suggest that as an additional target, if you will, to ask the TC to report back on. That's my suggestion. Additional suggestions, and then I'm going to look to Jason to see if he has enough, or whether he needs to prod us for more; and if so then I'm going to join him in prodding.

MR. McNAMEE: Mike is jotting stuff down here, it looks pretty specific. We've got status quo, and then we have these incremental increases 5 to 40. That is now six runs, and then the seventh run would be having a 50 percent probability, the TAC that would have a 50 percent probability of not achieving that; it is the same at 50 percent, in 2017. I think that feels pretty specific and actionable for me.

CHAIRMAN BALLOU: Awesome, thank you very much for that discussion. Is there anything more on this issue? I think we definitely got the job done. Thank you for that. Roll up your sleeves and get ready for our August meeting at which this will be coming back and we'll be taking it up in the form of specification setting for 2017.

MR. WAINE: Early in the discussion Dave Borden had suggested a couple of different risk levels. Will we try those as well? He suggested 50, 45, and 40.

CHAIRMAN BALLOU: Without objection we'll add those to the list. It sounds like Jason is comfortable with now a more fully rounded list of scenarios to be run. Does that cover it? Is there anything more to be discussed on this issue? Seeing no indication I'll move on to the next agenda item, which is I believe a brief report on the progress being made by the Biological Ecological Working Group, aka BERP. I believe Shanna Madsen has a presentation on that. Shanna.

BIOLOGICAL ECOLOGICAL WORKING GROUP REPORT

MS. SHANNA L. MADSEN: I've got five minutes; I'm going to try to take three. If you guys remember, our last BERP work group update was at the annual meeting; and at that time we reported out on the outcome of the Ecosystem Management Objectives Workshop. Then the subsequent BERP meeting where we kind of identified the intersection of those goals with the modeling approaches that the workgroup was considering.

The board did recommend that the BERP move forward with these ERP modeling approaches, so the workgroup subsequently met in March to put together a general timeline. We also heard some updates on a few of our outside modeling approaches. If you'll recall, our last single species assessment was completed at the end of 2014.

The five year trigger for the next benchmark would be 2019. Working backwards the group kind of recommended that we put the multispecies modeling assessment at the end of 2019, which would put us on the same timeline as a typical single species assessment. We also recommended that throughout this time period we would update the board on our progress when appropriate, during our spring meetings, and our annual meetings.

I just want to give everyone a quick reminder that this is kind of the first time that we're

attempting to do this level of multispecies modeling. We're looking at a total of four models currently, to generate ERPs. This five year timeframe is a very ambitious timeline. We typically complete only one model for a single species in that timeframe.

We're definitely going to be working hard to stick to this timeline, but I think flexibility is going to be crucial as we run into any hiccups. I am forever optimistic, so I am cautiously confident in our ability to however get that completed in 2019. I am going to go ahead and dig a little bit deeper here as to what we'll be doing during this timeframe.

Essentially in 2016 and 2017, we're holding this new thing that we're calling modeling workshops. What we want to do is have all of our modeling leads come in, and kind of present on what the back end of their model looks like. This should really help to increase our committee understanding of these modeling approaches.

We hope that it also kind of increase our efficiency so we can work together to divide and conquer tasks among those modeling approaches. Also at that time, I think it will be the place for the committee to really dig in and make a final decision on if that model should move forward and be evaluated in 2019 at that benchmark.

We also hope that we can kind of sit down, hash out potential data sources, and that will really help to populate our future data workshops. Essentially as we're moving through these modeling workshops, we'll really be able to populate our timeline further out and get some greater detail there. In 2018 we're anticipating two data workshops. Again, remember that is kind of due to the number of modeling approaches and the fact that we're going to have so many data sources. We're not just looking at data sources for one species, we're going to be looking at data sources for multiple predator species, for multiple prey

species; so we're really going to need those two data workshops to compile all that data and hash it out and get it together. Then in 2019, we will start holding our assessment workshops. Again, I've got two scheduled in that timeframe as well as the benchmark. At those assessment workshops we'll start to look at base runs and really nail down all of those final details. What we'll be doing coming up, we've got a July modeling workshop; this will be our first modeling workshop.

Currently we have a subcommittee who is working to convert one of our modeling approaches into a format that is a little bit more easily accessible to the workgroup. Then in July we'll hold that modeling workshop looking at Jim Uphoff's Steele-Henderson model. We hope to hear some progress updates from our three other modeling approaches during that timeframe. Then we should have some updates for you guys again at the annual meeting. With that I would be happy to take any questions.

CHAIRMAN BALLOU: Questions for Shanna?

MR. O'REILLY: The item about the external model preparation. What exactly is involved there and is that something where recruitment from outside has already taken place? I wasn't sure. Yes, okay.

MS. MADSEN: Essentially we have two external models that are being developed right now. One is actually by Jenny Nessler and one is by Andre Buchheister, well he was with CBL. Those were already being externally developed prior to when we started, you know working, and we've been working with the two of them closely to kind of monitor their progress and have them come in and give us reports and updates as well.

CHAIRMAN BALLOU: Additional questions?

MR. HASBROUCK: Thank you Shanna for your presentation. What's the difference between the four models? Is it the number of species

that they can look at? Are there differences in how they model the interaction between species; if you can provide some oversight on the difference that would be helpful?

MS. MADSEN: I think the answer to that question would be yes. There are a lot of differences between all four of the models. One is actually Jay's model; he is working on a multispecies statistical catch at age. That is a framework that we're a little bit more used to. But that kind of ranges out to like an ecopath with ecosim model, which is just a very large model that can incorporate way more species than we would be incorporating into the multispecies statistical catch at age model.

Really there are a wide range of differences between those modeling approaches, so we really hope to kind of hone in on what those differences are, what they're producing, and kind of what that gives us in the form of ERPs, and hopefully kind of find some sort of common ground.

CHAIRMAN BALLOU: Follow up?

MR. HASBROUCK: Yes follow up, thank you. I noticed in your schedule that the data workshop or workshops are going to follow the decision of which model is going to be used; but I'm guessing that these different models are going to need different levels and different intensities of data. What happens if you choose a model and then find out you don't have enough data to really inform that model to be productive?

MS. MADSEN: The models are already developed to the point that we pretty much understand what those data sources are going to be. I think that we'll be able to kind of make that determination during those modeling workshops, since we will be discussing the potential data sources and the draws, and how long it will take to actually make sure that we've covered all ground that we need for those approaches.

I hope that we're really able to make that determination during those modeling workshops, but should the committee feel uncomfortable and kind of want to wait until a later date during the data workshop, I don't really see a problem with that either.

CHAIRMAN BALLOU: Further questions for Shanna?

**BOARD CONSIDERATION OF APPROVAL OF
2016 FMP REVIEW AND STATE COMPLIANCE**

Seeing none; thank you Shanna for that report, and we'll move on to Item 8, and that is Board Consideration of Approval of 2016 FMP Review and State Compliance. States were required to submit their compliance plans by April 1; the PDT reviewed those plans and reported out via the FMP Review, which is in the meeting materials. I will now call upon Mike to summarize that report.

MR. WAINE: I'll jump right into this. We are operating under Amendment II, surprise! It was implemented in 2013 and established a TAC that was increased for 2015 from '13 and '14. That TAC is 414.2 million pounds. We have that 1 percent set aside for episodic events. The allocation is based off the three year timeframe.

We have transfer of quotas. We have this bycatch allowance that we talked about. We carried forward the reduction fishery harvest cap in the Bay. It does timely reporting to minimize overages; and it has an improved biological component part. This slide just summarizes some of the things that have occurred since Amendment II.

I went through all of that and this is actually action we took today, all in the episodic event stuff, so I won't go through that again; but just letting the board know that the board through board action had made continuous changes to that program. Moving on to status of the stock, Amendment II were interim reference points

that were put in, based on maximum spawning potential.

I have grayed those out because there were new recommended reference points that came out of the benchmark stock assessment that the Peer Review Panel approved, and also the Technical Committee recommended. The board accepted those for management use, and so as shown as our screen, those are our threshold and targets.

Using the new recommended reference points the stock is not overfished and overfishing is not occurring. Those are still interim reference points while ERPs are being developed, and you know that Amendment III will consider those reference points along with ERPs that are available; so 2015 status of the fishery.

Our TAC is there. Our total harvest, excluding the bycatch was just underneath the TAC. It is a 10 point, 5 percent increase from 2014 but that should come as no surprise, because the board increased the TAC by about that amount in the year the bycatch harvest was 5.9 million pounds. That represents 1.4 of the coastwide that doesn't count towards the TAC as we talked about. Combining it all, total harvest including the bycatch is just over 416 million pounds. We have a reduction fishery and a bait fishery; so for reduction purposes there were 316.2 million pounds landed. That is a 9.5 percent increase from 2014, and about a 2 percent decrease from the previous five-year average.

Then the bait harvest was 92.5 million pounds, and that is about a 10 percent increase from 2014 and a 10.4 percent decrease from the previous five-year average; once again those increases no surprise because the TAC went up by that amount. This is just a landings figure that shows what I just talked about, bait landings is in red, reduction in blue. Notice the different of the scales.

Then I went through this bycatch analysis table in the addendum, so it is the same table so I won't do that again. What is driving these patterns as we talked about, pound nets in Maryland and PRFC, and gillnets in Virginia make up a bulk of that and then in terms of the trips, a lot of these trips landing under a thousand pounds for bycatch.

Episodic events, we have three states that are qualified. They have to implement all those mandatory provisions that we talked about. Only Rhode Island declared participation. They harvested less than 1.9 million pounds, and the unused set aside that was left over was reallocated on November 1 to the rest of the states.

This slide is a table in your FMP review that really sort of is the accounting of everything that happened in 2015. It shows the quota transfers that occurred. It shows what the total 2015 quota was after the set aside got reallocated and all that. It shows the 2015 landings, and it shows what overages remained at the end of the year.

There is no requirement, in terms of timing of transfers, so there are these states that have overages are actually in a process of transfers as we speak. This may change, depending on the transfers that occur. But I'll tell you about the ones that have already occurred. Massachusetts transferred quota to both New York and Rhode Island to cover their overages.

But overages occurred in four states, so Florida and Rhode Island were over because high daily landings rates relative to their small quotas made it difficult for them to close the quota and not go over a little. New Jersey had some delinquent dealer reports, which was the reason for their overage; and New York's reporting timeframe is on a monthly basis, so it was challenging for them to close once again a timing issue.

The PRT just wanted to bring to the board's attention New York has monthly reporting but has capability of requiring weekly reporting if needed, and just mentioning that New York had a quota overage in '14 and '15; all other states implemented timely reporting. This table just shows 2015 bias samples.

As part of our requirement in Amendment II to get more data flowing into the stock assessment, we have a bio-sampling requirement based on the amount of landings that a state has. This table outlines what that looked like for 2015, and the take-home note is that all the states have collected the required samples that they needed to, based off the landings. That's great, we're getting good length and age information from that data that goes directly into the stock assessment; so that is really helpful and useful.

There is an index requirement, no compliance issues with that so we'll skip that slide. The Chesapeake Bay reduction harvest cap, as I remember this was already in place when we were considering all those changes in Amendment II, and so Amendment II would just reduce that harvest cap by 20 percent.

The reduction fishery consistently underperforms that harvest cap, meaning their harvest is below the cap in the Chesapeake Bay; and in 2015 they reported approximately less than 50,000 metric tons, so there is a rollover provision as part of this and you say what their TAC is for 2016. Then we had de minimis requests from the states of New York, Pennsylvania, South Carolina, Georgia and Florida.

They qualify because their bait landings don't exceed 1 percent of the total coastwide bait landings. As a result the PRT recommends that the board approve de minimis requests by those states. There are a couple of recommendations that I'll wrap up with. One, we're looking for the board to accept the 2015 FMP review for menhaden, and that the board

just consider the reporting timeframe of New York to minimize future quota overages, and that they also consider those de minimis requests. I would be happy to answer any questions.

CHAIRMAN BALLOU: I guess on behalf of the board I'll ask Jim regarding this recommendation. Is New York considering your reporting timeframe issue?

MR. GILMORE: Mr. Chairman, I can change the reporting timeframe, but it is the allocation that is the problem. Yes, I can report sooner that I'm going to be over my allocation, so yes we can report; especially if we're getting the episodic event, we're going to daily reporting. Yes, we'll see if we can improve that.

CHAIRMAN BALLOU: Additional questions for Mike regarding his presentation?

MR. HASBROUCK: Not directly related to the report, but related to the issue. I heard a little bit of discussion around the table earlier today about another extremely strong year class for menhaden. Do we have any information on that that you can share with us?

MR. WAINE: Admittedly we do not annually update the indices that we use in the stock assessment, so we didn't pull that information together for the FMP review. We usually pull that information during assessment years, 2017 will actually be an update assessment for menhaden, and so we will be pulling that information for next year.

It is simply because of the timing right, so remember that the compliance reporting date for menhaden is pretty early in the year, because we need it to set specifications et cetera. Reporting out on those indices can be a challenge at time on that short reporting timeframe, but I will tell you that we update them for the assessments; but if you wanted them sooner we could try to find a time to

make that affective with when the data become available.

CHAIRMAN BALLOU: Any further questions? Dave Simpson.

MR. SIMPSON: Not on this but just in terms of the projections and setting quotas. The review reminded me of this. There is nothing that would prevent us in setting the quota for 2017 from considering what the landings are, if they exceeded the TAC by a couple thousand tons or something, to adopt a quota that anticipated a similar overage next year.

CHAIRMAN BALLOU: Fair comment I think; additional comments or questions? **If not, I would entertain a motion to accept the FMP review and approve de minimis status for New Hampshire, Pennsylvania, South Carolina, Georgia, and Florida.**

MR. ADLER: Moved.

CHAIRMAN BALLOU: moved by Bill Adler, is there a second? Seconded by Steve Train, miraculously we have the motion up exactly as indicated. Is there any further discussion on the motion? **Is there any objection to the motion? Seeing no objection; the motion is approved by consent,** and we're on to Item 9, the Election of a Vice Chair.

ELECTION OF VICE-CHAIR

CHAIRMAN BALLOU: Do we have any nominations for Vice-Chair? Cheri.

MS. PATTERSON: Yes, I would like to nominate Russ Allen for Vice-Chair of the Menhaden Management Board.

CHAIRMAN BALLOU: Is there a second to that? Seconded by Jim Gilmore.

MR. GILMORE: I'm going to pretend I'm Pat Augustine, I second the motion and close all

future nominations and approve the appointment of our new Vice-Chairman.

CHAIRMAN BALLOU: Russ, I just have to ask, do you have enough delegates or did you run as an independent?

MR. ALLEN: I'll leave you up in the air on that one.

CHAIRMAN BALLOU: Is there any objection to the motion to appoint Russ Allen as Vice Chair for the menhaden board? **Seeing none; the motion stands approved.** Congratulations, Russ! We look forward to working with you.

OTHER BUSINESS

CHAIRMAN BALLOU: Under other business, which I believe is the last item on the agenda. I would like to ask Robert Boyles to come up and join me at the front, as we take up this issue, which is consideration of a resolution regarding exemplary service.

RECOGNITION OF MIKE WAINE

CHAIRMAN BALLOU: As the board knows, this is Mike Waine's final meeting as FMP Coordinator. While we are thrilled for him and his new job opportunity; we are less than thrilled about losing our guiding force. Over the past several years Mike has done a tremendous job guiding the board through the Amendment II process, and positioning us well; as we prepare to embark on the Amendment III process.

We want to take a moment to extend our appreciation via a gift, and a resolution. First the gift, Mike, on behalf of the board we present you with this beautifully framed lithograph of *brevoortia tyrannus*; I would say menhaden, but that word makes Jim Estes head spin. I'll stick with the scientific name.

Done by famed scientist and artist, Sherman Denton; it is an original print from 1902. We present it with the hope and expectation that it

will forever remind you of the fine work you've done on behalf of this fish and all who depend on it. (Applause) Next I have a resolution, it is signed by all members of the board and it reads as follows: Resolution, in recognition and profound appreciation of distinguished service by Michael Waine, duly adopted on May 4, 2016. Whereas Michael Waine in his capacity as Senior FMP Coordinator for the Atlantic States Marine Fisheries Commission's Atlantic Menhaden Board, has thoughtfully, conscientiously, and professionally guided the board, resulting in the sound conservation and management of our most important fish.

Now therefore, we the members of the Menhaden Board, representing 18 states and jurisdictions, extend our profound appreciation to Michael Waine and wish him the very best in all of his future endeavors. This is a final action; it requires a roll call vote. Mike, would you please call the roll. Mike, please call the roll; seriously.

MR. WAINE: I feel like the jokes on me. Just before I do that I am obviously shocked. It has been incredible working here. I love this commission. I love working with all the commissioners, the Technical Committee members that do so much for this board, the Advisory Panel and their input in PDTs, PRTs, the list is endless, the public's involvement.

It has truly made this experience something that I could have never imagined. It has prepared me for whatever comes next in my career, and I am ready to take that step, but I will never forget how amazing this opportunity was. I wish all of you to do great things on Amendment III. Thank you so much, and are we really doing a roll call right now?

CHAIRMAN BALLOU: It is a final action, it is required, yes.

MR. WAINE: So be it.

MR. BRADY: Are we going to have time to caucus on this?

CHAIRMAN BALLOU: **No caucus, this is a roll call vote on the motion to improve and formally adopt the resolution and recognition and profound appreciation of distinguished service by Michael Waine.** Mike, please call the roll.

MR. WAINE: Maine.

MR. STOCKWELL: Yes.

MR. WAINE: New Hampshire.

MR. GROUT: Smooth sailing, Mike, thanks.

MR. WAINE: The Commonwealth of Massachusetts.

MR. ADLER: Yes.

MR. WAINE: Rhode Island.

MR. REID: Yes.

MR. WAINE: Connecticut.

MR. SIMPSON: Absolutely.

MR. WAINE: New York.

MR. GILMORE: Yes and good luck, Mike, you are the best!

MR. WAINE: New Jersey.

MR. ALLEN: Yes.

MR. WAINE: Pennsylvania.

MR. LUSTIG: Yes.

MR. WAINE: Delaware.

MR. CLARK: Yes.

MR. WAINE: Maryland.

MS. FEGLEY: Yes and thank you for all you have done.

MR. WAINE: The Potomac River Fisheries Commission.

MR. SCHICK: Congratulations, yes.

MR. WAINE: Commonwealth of Virginia.

MR. O'REILLY: Yes.

MR. WAINE: North Carolina.

MR. BATSAVAGE: Yes.

MR. WAINE: South Carolina.

MR. BOYLES: Enthusiastically, yes.

MR. WAINE: Georgia.

MR. WOODWARD: Yes.

MR. WAINE: Florida.

MR. ESTES: Yes.

MR. WAINE: NOAA Fisheries.

MR. ORNER: Yes, and welcome aboard.

MR. WAINE: U.S. Fish & Wildlife Service.

MR. (?)HERR: Yes, and thank you, Mike.

MR. WAINE: And thank you.

CHAIRMAN BALLOU: The motion carries unanimously. Thank you, Mike, and thank you to everyone for your contribution. Without objection I would move adjournment. I'm sorry; we have a couple hands raised in the back. Yes, please.

MS. CATHERINE W. DAVENPORT: Thank you, Mr. Chairman. I know it is a long day so I will be

very brief. I had the opportunity to read Pete Himchak's report on the fisheries, 2004 to 2013 dates Age 0 to 1 where the takes were very low. The small component of the population was 5.3 percent for reduction and 1.1 percent for bait; with natural mortality being quite high. This leaves a lot of fish in the water, and I would like to recommend to the Technical Committee to review the information.

ADJOURNMENT

CHAIRMAN BALLOU: Thank you, I'm sure the TC will take that under advisement. Is there any other matter to be brought before the board under other business? Seeing none, is there any objection to adjourning? Seeing none; we are adjourned.

(Whereupon the meeting was adjourned at
10:43 o'clock a.m. on May 4, 2016)