

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

**The Westin Crystal City
Arlington, Virginia
August 6, 2019**

Approved October 28, 2019

TABLE OF CONTENTS

Call to Order, Chairman Nichola Meserve	1
Approval of Agenda	1
Approval of Proceedings from February 2019.....	1
Public Comment.....	1
Progress Update on 2019 Menhaden Single-Species and Ecological Reference Point Benchmark Stock Assessments.....	1
Review and Consideration of the 2019 FMP Review and State Compliance Reports	4
Adjournment.....	10

INDEX OF MOTIONS

1. **Approval of Agenda** by Consent (Page 1).
2. **Approval of Proceedings of February 2019** by Consent (Page 1).
3. **Move to approve the 2019 Atlantic Menhaden FMP Review, state compliance reports, and *de minimis* status for Pennsylvania, South Carolina, Georgia, and Florida** (Page 8). Motion by Emerson Hasbrouck; second by Ray Kane. Motion carried (Page 8).
4. **Move to maintain the TAC for 2020 at 216,000 metric tons with the option to revisit the 2020 TAC following review of the 2019 single-species and ecological reference point benchmark stock assessments and peer-review reports** (Page 9). Motion by Lynn Fegley; second by David Borden. Motion carried (Page 10).
5. **Motion to adjourn** by Consent (Page 10).

ATTENDANCE

Board Members

Pat Keliher, ME (AA)	Andy Shiels, PA, proxy for T. Schaeffer (AA)
Megan Ware, ME, Administrative proxy (AA)	Loren Lustig, PA (GA)
Doug Grout, NH (AA)	Roy Miller, DE (GA)
Cheri Patterson, NH, Administrative proxy	Stewart Michels, DE, proxy for D. Saveikis (AA)
Ritchie White, NH	Craig Pugh, DE, proxy for Rep. Carson (LA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Lynn Fegley, MD, Administrative proxy (AA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Robert Brown, MD, proxy for R. Dize, MD (GA)
Nichola Meserve, MA, Administrative proxy (Chair)	Allison Colden, MD, proxy for Del. Stein (LA)
Raymond Kane, MA (GA)	Ellen Bolen, VA, proxy for S. Bowman (AA)
Jason McNamee, RI (AA)	Bryan Plumlee, VA (GA)
Bob Ballou, RI, Administrative proxy	Steve Murphey, NC (AA)
David Borden, RI (GA)	Chris Batsavage, NC, Administrative proxy
Eric Reid, RI, proxy for Rep. Sosnowski (LA)	Doug Brady, NC (GA)
Justin Davis, CT (AA)	Mike Blanton, NC, proxy for Rep. Steinburg (LA)
Bill Hyatt, CT (GA)	Mel Bell, SC, proxy for R. Boyles (AA)
Maureen Davidson, NY, proxy for J. Gilmore (AA)	Doug Haymens, SC (GA)
Emerson Hasbrouck, NY (GA)	Spud Woodward, GA (GA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Doug Haymans, GA (AA)
Joe Cimino, NJ (AA)	Rep. Thad Altman, FL (LA)
Tom Fote, NJ (GA)	Erika Burgess, FL, proxy for J. McCawley (AA)
Russ Allen, NJ, Governor Appointee proxy	Martin Gary, PRFC
Joe Cimino, NJ (AA)	Derek Orner, NMFS
Adam Nowalsky, NJ, proxy for Sen. Andrzejczak (LA)	Sherry White, USFWS

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

Ex-Officio Members

Staff

Bob Beal	Sarah Murray
Toni Kerns	Katie Drew
Max Appelman	Kristen Anstead

Guests

Bill Anderson, MD DNR	Pat Geer, VMRC	Chris Moore, CBF
Greg Belle, VSSA	Walker Golder, Audubon Society	Patrick Paquette, MSBA
Benson Chiles, Chiles Consulting	Joseph Gordon, PEW	Alesia Read, NMFS
Josey Cline, ASA	Zach Greenberg, PEW	Jack Travelstead, CCA
Richard Cody, NOAA	Pete Himchak, Omega Protein	Bob Vanasse, Saving Seafood
Heather Corbett, NJ DFW	Des Kahn, Fisheries Investigations	Mike Waine, ASA
Roy Crabtree, NMFS	Aaron Kornbluth, Pew Trusts	Jenni Wallace, NMFS
Chris Dolla, TRCP	Phil Langley, MD Leg. Proxy	Chris Wright, NMFS
Syma Ebbin, UConn.	Arnold Leo, E. Hampton, NY	
	Conor McManus, RI DEM	

The Atlantic Menhaden Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Tuesday, August 6, 2018, and was called to order at 3:45 o'clock p.m. by Chairman Nichola Meserve.

CALL TO ORDER

CHAIRMAN NICHOLA MESERVE: Good afternoon. Commissioners can please take their seats. We will call the Atlantic Menhaden Management Board meeting to order. My name is Nichola Meserve from the Massachusetts Division of Marine Fisheries, serving as your Chair today.

APPROVAL OF AGENDA

CHAIRMAN MESERVE: You have an agenda before you. Would anyone like to make any additions to the agenda today? Seeing none, we'll consider that approved.

APPROVAL OF PROCEEDINGS

CHAIRMAN MESERVE: We have the proceedings from February of 2019 to approve as well. Are there any modifications to those proceedings? Seeing none we will also consider those approved, and move on to public comment.

PUBLIC COMMENT

CHAIRMAN MESERVE: This is a time for members of the public to comment on items that are not on the agenda. If there is anyone that would like to comment they can come forward to the public microphone.

PROGRESS UPDATE ON 2019 MENHADEN SINGLE-SPECIES AND ECOLOGICAL REFERENCE POINT BENCHMARK STOCK ASSESSMENTS

CHAIRMAN MESERVE: Seeing none, we will move on to a Progress Update on a 2019 Menhaden Single-Species and Ecological Reference Point Benchmark Stock Assessments, and Dr.'s Anstead and Drew will be providing us with that update.

DR. KRISTEN ANSTEAD: I will give you an update on the single-species assessment. We're coming up to our peer review in October. I just wanted to fill you in on some of the changes you might see from the previous stock assessment, SEDAR 2015. It's pretty much a similar stock assessment, so it will be in the spirit of that last assessment.

We have made some updates on some of the inputs, this includes fecundity. We have an updated value on menhaden fecundity from VIMS, and it has resulted in a slightly higher fecundity than the previous benchmark. We have updated natural mortality, so that has resulted in a higher M at age.

We have revised our indices somewhat, so last time we had the northern index, the southern index for adults, and then a YOY index. This time we also have the YOY, northern and southern indices for the adults, but we have added a Mid-Atlantic index and the fishery independent surveys that went into each of those are slightly different from the last benchmark.

We also have some expanded uncertainty analysis to address some of the peer review comments from last time, so we have done some additional things. Then finally, we have some other changes, and there is a table in the report that will outline the changes between the two. But I think those are some of the highlights to start thinking about. Then finally for the reference points, they will be the ones you are used to seeing for single species for Atlantic menhaden, so the current fishing mortality reference points.

We have the median geometric mean F for ages 2 to 4 that's our target, and then the maximum, which is a threshold, and then we have the population and fecundity values that are associated with those F target and threshold. The same thing that you're used to seeing from last time will be there again, but with some changes in some of the inputs, which have

resulted in slightly different values throughout the assessment.

CHAIRMAN MESERVE: Are there any questions about the single-species assessment? Emerson Hasbrouck.

MR. EMERSON HASBROUCK: On that review, I didn't quite follow. Did you say that it was higher fecundity? That led you to a higher M at age? Did I follow that or no?

DR. ANSTEAD: We have updated data for both fecundity and natural mortality, and that has resulted in two different things. Our revised fecundity relationship for the assessment has resulted in a higher fecundity value for menhaden. These were results from a study that VIMS has done to address a research recommendation. Natural mortality is different.

There has been an updated tagging study, so it analyzed the old tagging data, and just provided some new values. We're using the same methods to estimate natural mortality, but we're scaling them to that tagging study, because we think that is the best available science right now, and so that has resulted in slightly higher natural mortality at age. There are two separate inputs that have been slightly revised that have resulted in different things.

CHAIRMAN MESERVE: Are there any additional questions? If not we'll move on to Dr. Drew's update.

DR. KATIE DREW: For the ERP Assessment, we are obviously still on track and going through with the same timeline as the single-species assessment. I think you know we've laid out for you guys before some of the models that we're considering. We're still going forward with a suite of models that range from very simple, with minimal assumptions about ecosystem dynamics, to very complex with a lot of data requirements, and a lot of assumptions about the ecosystem.

We feel that it's important to present the story about the range of complexity, the range of information that you need, and the range of information that you can get out of all of these different models, to kind of set the stage for an ecosystem management context, since this is not really something that has been done before for management.

However, we will be providing a single sort of recommended approach to develop the ecosystem reference points, so that we say here are the models that we looked at, here's what they say about each other, and what they say about ecosystem reference points for their species. Here is our recommended management approach to develop quota recommendations that take into account menhaden's role as a forage fish. I think we'll get in October; we're planning to come back and have a more detailed update about the models that we're looking at, and some of the different options that we'll get out of them. But for now I just want to kind of explain our approach. The other thing to keep in mind is we're really focused on giving you guys a method to set these ecological reference points, and that there is not one single best value for menhaden, because it depends on kind of the tradeoffs that you want to make in other parts of the ecosystem.

If you want to increase fishing on your predators that gives you a different reference point for menhaden, then if you want to decrease fishing pressure on your predators, and vice versa. We'll give you guys a method and a framework to make some of these evaluations, and we're also going to put forward some example scenarios.

What do the reference point look like if we fish all of our predators at their target F rate, and want to keep them at their target biomass values? What does it look like if we fish the predators at their threshold F rates, and keep them above their threshold values? Obviously you can envision that there are a lot of different moving parts, there is a lot of combinations.

A lot of those come down to management questions, about what do you value in the ecosystem, not just for menhaden but for the predators? We'll provide you with some example scenarios. We'll have the review of the method, and kind of get that peer review feedback on is this the right approach for menhaden for ecosystem reference points?

Then we'll put this in front of the Board, and I think you guys will have to start having the conversations about how do you want to evaluate the tradeoffs for different predators, for different prey species, and the current management framework, not just for menhaden, but for all of these other species. We can give you some starting points, but there will have to be a lot of conversation, I think, in order to get to a final value that really encompasses what you want, for both menhaden and the predators.

CHAIRMAN MESERVE: Are there questions? Stew Michels, please.

MR. STEWART MICHEL: Katie, thank you very much. Are there any of the models that you're evaluating that have risen to the top, or just have you realized that they're just way to complex, and you won't be able to do it, or way to simplistic and we won't be able to use them for management that you can focus your effort a little more?

DR. DREW: Yes. We've definitely sort of picked out what we think is sort of the best approach. That's what we will be presenting to the Review Panel. I don't want to get too in-depth about that now, because I think that could change with the Review Panel, it could change with some of our discussions.

But for sure the focus is on; we think there is the best. There is a path forward that is sort of the best balance between being able to fully utilize all the data that we have available to us, and being able to really capture some of those complex dynamics, without getting so complicated that you're having to rely on really

weak data sources and a lot of assumptions, and things like that and also without being too simple. There is definitely kind of a through line of this is the approach that we think is the best, in terms of the modeling tradeoffs. It's great in our perspective, the way there actually is really a consistent story out of all of these models. There are some differences, but really it's a consistent story, and I think the fact that we're getting a consistent story out of a really wide range of modeling approaches strengthens the entire assessment, which is why we want to keep that sort of background or story going forward.

CHAIRMAN MESERVE: Lynn Fegley.

MS. LYNN FEGLEY: I think that Stew asked my same question, and thank you. I know how much work this is for you guys. I'm trying to be clear that there are going to be several models. I'm trying to distinguish between model and approach. There are going to be several models going to the peer review, but from that there is going to be one recommended approach. Could that approach involve the outputs from several models, or by approach do you mean there was one recommended model?

DR. DREW: Good question. Right, and I think we're thinking of this now as, I know some people don't like the term preferred model, but we're thinking of this as a preferred model and some supporting models. These other models support the overall conclusions of our preferred approach.

We're calling it a preferred approach, because what we're looking towards now is really combining the single-species model, which we think is the best for menhaden-specific dynamics, with another more ecosystem-oriented model, in order to get an approach out, rather than saying this is the overall one best model where we are right now. That is kind of how we are going to see it. But definitely we're aiming for the preferred approach, recommended approach/model, and supporting analyses.

CHAIRMAN MESERVE: Other questions at this time on the assessment? Okay, clearly the SASS and ERP are doing a lot of heavy lifting right now, and it will be incumbent upon the Board to get in the game soon.

**REVIEW AND CONSIDERATION OF THE
2019 FMP REVIEW AND
STATE COMPLIANCE REPORTS**

CHAIRMAN MESERVE: We'll move on to the Review and Consideration of the 2019 FMP Review and State Compliance Reports.

You may notice this has a little bit more time on the agenda than generally allotted, partly because 2018 serves as the first year that the fishery operated under Amendment 3, and the new allocations and associated measures, and it will also help to lay the ground a little bit for our next discussion about setting the TAC for next year. We'll begin with a presentation from Max on this.

MR. MAX APPELMAN: A little bit of pressure to fill the time there, I see. Just to restate that the 2019 FMP Review covers the 2018 fishing season. This is a lay of the land for my presentation. These are all the different sections of the report, and I will cover each of them starting with status of the management plan.

Stating one more time, 2018 was the first year under the provisions of Amendment 3, and I'm just highlighting some of the big changes that occurred with that Amendment. First, that the single-species reference points are still the guiding management under Amendment 3, until menhaden-specific ERPs come on line. Second that the allocation of the TAC changed with Amendment 3, so it's a modified fixed minimum, where each state gets 0.5 percent of the TAC, and then the remaining balance is allocated based on the 2009 to 2011 time period. The bycatch provision was sort of rebranded as the incidental catch and small-scale fisheries provision.

The aspects of it remain the same. It also defined applicable gear types for that provision. Lastly, the Chesapeake Bay Reduction Fishery Cap was reduced to 51,000 metric tons, and rollovers are not permitted under Amendment 3. Just highlighting status of the stock with this slide, again stock status continues to be based on the 2017 stock assessment update, which indicated the stock is not overfished, and overfishing is not occurring.

Figure 1 is the top right hand corner. That is showing fishing mortality through time. You can see in the terminal year the estimate is below both the target and the threshold levels. The bottom figure, Figure 2 from the report, showing fecundity in billions of eggs, and again the terminal year is below the target but above the threshold.

As we've already said, the benchmark assessments are on schedule for peer review in November of this year. This is a summary of landings in 2018, compared to the previous year. All these estimates are in millions of pounds. The TAC for 2018 was set at 216,000 metric tons, which is about 476.2 million pounds.

Directed landings in 2018, which includes our episodic events set-aside landings were estimated at 418.3 million pounds, which is an 11 percent increase relative to 2017. It also represents a 12 percent underage of the coastwide TAC. Incidental landings, which don't count towards the TAC, were estimated at 3.2 million pounds, 18 percent increase relative to 2017, for a total of 421.5 million pounds landed in 2018.

Zooming in on the different sectors, so that the bait harvest in 2018 was around 110 million pounds, this again is an increase relative to 2017, also above the previous five-year average. New Jersey, Virginia, Maine, and Massachusetts landed the largest shares for the bait harvest, moving to the reduction harvest around 311.6 million pounds, also an increase

relative to 2017, a slight increase relative to the previous five-year average.

In the Chesapeake Bay reduction harvest cap was set at 51,000, and the harvest came in around 32,000 metric tons, which is about 63 percent of the cap. This figure, you've all seen this before, showing both reduction landings and bait landings on the same figure here. Reduction landings going back to 1940, the bait landings start around the early 1980s.

Note the difference in scale on this figure. On the left hand side you have the reduction landings in the hundreds of thousands of metric tons. On the right hand side is the bait landings in tens of thousands of metric tons. You can see the general trajectory of landings in the recent decade or so. Bait landings have been going up, reduction landings have been going down, but in recent years it sort of tapered off, especially under the coastwide TAC, beginning in 2013.

This slide is highlighting the incidental fishery in 2018, and it's kind of difficult to compare the 2018 fishery to previous years, due to the implementation of Amendment 3, and the reallocation of quota. You can see from the table that landings increased in 2018 relative to the previous year. However, 2018 saw the lowest number of trips occurring, also the fewest number of states participating in the fishery since its inception in 2013. Based on this very rudimentary review of the 2018 incidental catch fishery, it appears that most states were able to keep their directed fisheries open throughout the season if there was sufficient quota there.

As noted on the slide, three states reported incidental catch landings in 2018, those being Maine, New Jersey, and Virginia, with Maine accounting for roughly 90 percent of that. Moving to the episodic event set-aside program or fishery in 2018, the quota was set at 4.48 million pounds, which accounted for an overage in 2017.

Maine was the only participating state, declaring participation in late July, and closing the fishery in early August, landing the whole EESA quota in that short amount of time. There was a small overage, about 160,000 pounds, which Maine did pay back in full. This table is showing you the usage of the EESA since 2013, and you can see that it has been exceeded in the last few years.

Taking a look now at quota performance in 2018, that first column is showing your base quota. Then looking at the second column, it is the transfers that occurred in 2018. There were 7 state-to-state transfers. There was also as I mentioned, a transfer from Maine to the EESA, and this all resulted in a net transfer of 5.2 million pounds to Maine.

Final 2018 quotas are listed in the third column there. There were no overages in 2018, and so the 2019 based quota on the far end of the table reflect a TAC of 216,000 metric tons, that's the 2019 TAC, and 4.4 million pounds of redistributed, relinquished quota from Delaware and Georgia.

This is a look at the biological sampling requirements under Amendment 3, so non *de minimis* states are required to collect biological samples based on landings and geographic region. Maine through Delaware are required to collect one 10-fish sample for every 300 metric tons of landings, and Maryland through North Carolina are required to collect one 10-fish sample per 200 metric tons of landings.

All the states met the requirement here, except for Massachusetts fell short of their 8 required samples, and it was noted in the compliance report that this was primarily because of a very short season in 2018. The primary purse seine fishery was only in operation for about three weeks. The state has indicated plans to more intensely sample the purse seine fishery in the future that ensure that the sampling requirement is met.

Regarding *de minimis* status, states are eligible for *de minimis* status if the bait landings are less than 1 percent of the total coastwide bait landings for the most recent two years. The states of Pennsylvania, South Carolina, Georgia, and Florida requested *de minimis* status for 2019, and the PRT determined that they do qualify.

A couple notable comments from the PRT this year, the first being that it's evident that from landings reports and data suggest that Atlantic menhaden have become increasingly available in the New England region, particularly in the Gulf of Maine. If you saw from some of the slides in my presentation, Maine's landings increased substantially in 2018, relative to the past few years, acquiring over three times its quota through transfers, using up the EESA and also reporting incidental catch landings. Clearly there is something going on there with menhaden. We are aware that the availability of other bait fish has changed in recent years, and there is probably all other social and economic factors going on.

The other notable comment here is in regards to the incidental catch provision, and this is sort of a tricky one. I'm going to try my best to explain it. But if the provision allows states to continue to land menhaden after its quota has been met under the 6,000 pound trip limit. However, there are some instances where states further subdivide its quota to different gear types or different sectors.

Typically a majority of the quota in these circumstances will go to a purse seine fishery or sector, and the remaining quota will go to a non-purse seine or small scale or other gears category. In these cases the incidental catch provision only applies to the non-purse seine fishery. It is in this circumstance that you can have a state close its small scale or non-purse seine fishery, due to reaching the quota, moving into an incidental catch fishery while there is still quota available for the larger fishery, the purse seine fishery.

In regards to the FMP, there is really no guidance for when a state subdivides its quota to different gear types or sectors. For completeness, sharing with the Board that the PRT has and will continue to report landings following the closure of these fisheries as incidental catch, unless the Board would like to see that reported differently.

Although the PRT is not recommending any action at this time, it is recommended that this incidental catch provision be readdressed in a future management document. Wrapping up with some PRT recommendations, the first is to approve *de minimis* status for Pennsylvania, South Carolina, Georgia, and Florida. Again, noting to readdress the incidental catch provision in some future management document. I am happy to take any questions, thank you.

CHAIRMAN MESERVE: Thank you, Max, are there questions for Max? Lynn Fegley.

MS. FEGLEY: Max, I'm just curious what the PRT, with the incidental catch and the issue of the subdivided quotas among gear factors. What was their concern with that? Was it a concern of accounting or a concern of equity, or could you be a little bit more specific about what exactly the worry was?

MR. APPELMAN: I think it was just pointing out that the provision in the plan requires a state to utilize its full quota before moving to incidental catch, and in this particular circumstance that is not necessarily happening. I don't think there is any real concerns, other than the plan is saying one thing and is sort of gray on what to do when a state further subdivides its quota to different sectors.

CHAIRMAN MESERVE: I think collectively it was about 300,000 pounds between the two states that fell into that incidental catch amount, so it's not a lot of fish being landed, but it could be different interpretations of the FMP, so the PRT recommendation is to just clarify it moving

forward. That is one option for the Board. Are there additional questions? Rob O'Reilly.

MR. ROB O'REILLY: Thank you for the report. Did you put a percentage on the 2018 achievement of the total allowable catch? Was there a percentage there?

MR. APPELMAN: The directed landings were 12 percent below the TAC.

MR. O'REILLY: This is for everything, so I'm just kind of cross-checking. Were the metric tons 213,840? Was that what you were showing us? I was just wondering if you had a percentage there.

MR. APPELMAN: No, I don't have a percentage. But if you go up to Slide 5, so that total at the bottom under 2018 that is total landings altogether. A portion of that 3.2 million pounds it doesn't count towards the TAC that is in pounds. I don't have the metric tons listed out there, but I do have what the total TAC was in pounds at the top of the slide. Does that help?

CHAIRMAN MESERVE: Go ahead, Rob.

MR. O'REILLY: Thank you that does help and I guess at least from our workings that we did, the last two years have been well under 85 versus 87 percent in 2018, 85 percent in 2017. Then I guess I would comment that the relinquished quota can't all be used, but is there a plan for when it can't be used?

Specifically, Virginia has in law a total allowable landings that can't be exceeded, and yet I think you mentioned a little over 4 million the first year, and over 3 million the second year. Well that's my recollection. There is also quota that is just relinquished, but there is not a plan for where that can go after that, I think.

MR. APPELMAN: I might be a little confused by the question. The states are allowed to relinquish quota by December of the current year for the following year. That relinquished quota is automatically redistributed to the

states. It is given back to everybody, and is used in that fashion.

CHAIRMAN MESERVE: Follow up Rob?

MR. O'REILLY: Yes. I guess that was designed for the relinquishing quota to be apportioned according to the 2009 to '11 percentages. What I'm indicating, I know in Virginia we can't take on the amount of relinquished quota that we could, because of the situation with the law freezing the amount of allowable landings we have.

I was just wondering, will there be a provision in the future to determine what happens after that? If they can't go to a state, you know because the percentage was pretty high for Virginia, but Virginia couldn't take on that amount. I think maybe part of it brings up the Amendment 3 quota for Virginia, where we took a minus 0.45 reduction, and then the relinquished quota can bring that up to what's in the code of Virginia in the law, but no more than that. That is my understanding, and if you want to think about that for next time around. But I think if someone is relinquishing the quota, they clearly had a destination in mind that they wanted that quota to go somewhere else. But if it can't go anywhere, that might be a little bit of a situation.

CHAIRMAN MESERVE: Maybe something for the Board to consider in a future action, if more direction is needed there. States also have the option of not relinquishing quota, and just doing a direct transfer to another state if they do want it to go to a particular place. Are there other questions? I'll also take any comments. I'll comment on the Massachusetts situation with the biological monitoring requirements.

As Max pointed out we did fall short in 2018. However, we did implement a plan for 2019, and have sampled the fishery per the requirements this year already, and continue to sample opportunistically, so I don't expect there will be an issue with Massachusetts sampling

next year. But are there any comments about dealing with the incidental catch provision?

I'll assume that unless there are other comments made that it will be the Board's intent to consider addressing that issue in a future management action, as recommended by the PRT. If there aren't any other comments, **I would look for a motion to accept the FMP Review and the *de minimis* requests. Is that a motion, Emerson?**

MR. HASBROUCK: Yes, so moved.

CHAIRMAN MESERVE: All right, thank you, second by Ray Kane. **Is there any opposition to the motion? Seeing none, we'll consider that approved.** Sorry Bob, go ahead.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Since the maker of the motion just said so moved, kind of repeating yours, you may want to read that into the record, thank you.

CHAIRMAN MESERVE: Will do, thank you, Bob. The motion is to move to approve the 2019 Atlantic Menhaden FMP Review, state compliance reports, and *de minimis* status for Pennsylvania, South Carolina, Georgia, and Florida. The motion was made by Mr. Hasbrouck, seconded by Ray Kane, and carries without opposition. Then we will move on to our last agenda item to Discuss and Set the TAC for 2020. Max will start us off with a presentation, a review of the memo that was provided in your briefing materials.

MR. ROBERT BALLOU: Madame Chair, point of order that it was just written up on the screen incorrectly, without opposition it should have said. Thank you.

CHAIRMAN MESERVE: So noted, thank you. Max.

MR. APPELMAN: Yes there was a memo included in meeting materials, which sort of reviews the TAC setting process and a little bit of background information, as well as the

Board's options for 2020. There are a few copies of it in the back of the room. It might be helpful to have that in front of you, sort of see the tables included in that. Just some background, the TAC is set through Board action on an annual basis, or for multiple years based on the best available science, which typically takes the form of projections analysis, which are in turn based on the latest available stock assessment. In 2017, during the Board's deliberations on Amendment 3, it set the TAC for 2018 and 2019, with the expectation that setting of the TAC for subsequent years would be guided by menhaden-specific ecological reference points, which as we've been discussing won't be ready for Board review until February of 2020, so the Board still needs to address the TAC for 2020.

Again, in 2017 the Technical Committee prepared a suite of projections for the Board to use when setting the TAC for the 2018 and 2019 fisheries. Those projections were based on the 2017 stock assessment update, which is still the assessment used for management. The projections ran through 2020, which is the year in question.

Part of the calculations there assumes constant landings at 200,000 metric tons for 2017 through 2020, and that was again you know these projections were done in 2017. That was based on the 2017 TAC level. Here is a review of the results of those projections. As you can see there is a suite of TAC options. This was all based on Board guidance from 200,000 metric tons, which was status quo at the time, all the way up to 280,000 metric tons.

You can see the associated probability of achieving respective reference points in 2018, 2019, and then again in 2020. The top table is the target, achieving F target. The bottom table is for the F threshold. The Board set the TAC at 216,000 metric tons in 2018 and 2019, sort of below the second and third options there.

Of note is for the 2020 year under these projections, there would be zero chance of

exceeding either of the reference points in 2020 at that TAC level. Here are the Board's options regarding 2020. The Board can use those existing projections, which I just went over, and set the TAC today. Alternatively, the Board can request updated projections, and keeping in mind that those updated projections would still be based on the 2017 stock assessment update.

The Board could give guidance to the TC on a suite of options to explore, and bring that back to the Board at annual meeting, at which case the Board could take action at that time. A couple things to keep in mind there is that I think staff feels that the projections wouldn't likely change, even if they were updated.

The level of landings that occurred in 2017 and 2018 were actually below that level that was assumed in those projections, as well as the proportions of landings coming from the bait and reduction sectors didn't change in those years either. But most importantly, the work to update those projections would certainly detract from the ongoing assessment work, which I think we all are aware is at a pretty critical stage of that process, so all important points to keep in mind.

The third option is to defer action on the 2020 TAC until the 2019 benchmarks, the single species, and the ecosystem-based benchmark assessment are presented, and new projections based on those assessments can be developed. Under this third scenario, the indecision clause in Amendment 3 would kick in, and essentially roll the 2019 TAC into 2020 in the interim. Those are the three options, and I'm going to leave this slide up on the screen for the Board to consider, and I'm happy to take any questions.

CHAIRMAN MESERVE: Are there questions? That was an excellent presentation. Bob Ballou.

MR. BALLOU: Max, with regard to that indecision clause. If that were to be enacted by deferring action, would the Board have to

return to the 2020 TAC at some point in 2020 to change it from interim to final?

MR. APPELMAN: It's a great question. It's another point that I sort of left off from my presentation. Let me first, before I answer that directly. Under Options 1 and 2 here the Board could always revisit that TAC in the future, following review. I think it would take a two-thirds vote to bring it back to the table.

Under Option 3, again the intent behind this option would be to defer action until following review of those benchmark assessments, in which case new projections could be developed and reviewed. I think inherently there would be a new setting of the TAC under that option.

CHAIRMAN MESERVE: Toni Kerns, do you want to add to that?

MS. TONI KERNS: To get to Bob's point. If you wanted to keep it the same you could just leave it and not vote on it again.

CHAIRMAN MESERVE: Okay, thank you for that clarification. Lynn Fegley.

MS. FEGLEY: Max, thank you for the presentation. I was very excited and intrigued, as I'm sure we all were to hear the presentations from Dr.'s Anstead and Drew about the upcoming assessment. We know that there is going to be a lot of things that are going to be different. There is going to be different data. Some things have changed, and we also I think all remember the epic protracted conversations about setting TACs for this fishery.

I am going to make a motion, and I'm going to suggest we all go home and rest, and eat our Wheaties, and get ready for the results of the great work that's been done to come to us in February. **With that I would like to move to maintain the TAC for 2020 at 216,000 metric tons with the option to revisit the 2020 TAC following review of the 2019 single-species and**

ecological reference point benchmark assessments and peer-review reports.

CHAIRMAN MESERVE: Second the motion, David Borden. Is there discussion on the motion? Fantastic, so this is a final action, which would normally require a roll call vote, unless we can do it the easy way, which looks like it might be possible. Is there any objection to the motion before us today? Bob.

MR. BALLOU: I'm sorry; I'm late with my question. I guess I just want to make sure I understand that the option to revisit is different than a two-thirds majority vote, or is it the same as a two-thirds majority vote? I see Toni Kerns nodding yes. But maybe for the record you might want to clarify that.

MS. KERNS: To change it, it would require a two-thirds majority vote.

CHAIRMAN MESERVE: Does that cause concern for anyone? That would be whether to increase it or decrease it would require a two-thirds majority vote. Bob.

MR. BALLOU: I just want to be clear. I'm comfortable with the motion; I just want to make sure I understand though that we don't necessarily need this motion. The Board could defer action and not pass any motion. The indecision clause would kick in; the affect would

be the same. This is just a more assertive way of doing it.

I agree that we're not undecided, we want to be decided. I would like the spirit of this. I just want to make sure that I understand the distinction, if there is one, between taking this action now versus not taking any action, and reverting to the status quo. I'm not really asking a question, I'm just making a comment to make sure that the rest of the Board concurs with what we're doing and why.

CHAIRMAN MESERVE: Based on staff guidance, it would require a two-thirds vote to change the 2020 TAC from 216,000 metric tons. As long as that is clear and on the record, are there any other questions. Is there a need to caucus? **Seeing as this is a final action, is there any comment from the public on this motion? Okay we'll go back to a request if there is any opposition to the motion. Seeing none, the motion carries unanimously.**

ADJOURNMENT

I think we've broken a record. If there is no other business to come before the Board, we are adjourned. Thank you.

(Whereupon the meeting adjourned at 4:30 o'clock a.m. on August 6, 2019)