



Atlantic States Marine Fisheries Commission

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MEMORANDUM

November 19, 2012

To: Atlantic Menhaden Management Board
From: Atlantic Menhaden Advisory Panel
RE: Advisory Panel Report to the Board on Recommendations for Draft Amendment 2

The Advisory Panel met on November 19, 2012 to make recommendation to the Board on the Draft Amendment 2 to the ISFMP for Atlantic Menhaden. Panel members in attendance represented the conservation community, commercial harvesters (for bait and reduction), bait dealers, and recreational fishermen. The following is a summary of the meeting.

Attendees

Advisory Panel Members

Bill Windley (MD), Chair
Ron Lukens (VA)
Jimmy Kellum (VA)
Jeff Kaelin (NJ)
Brian Tarbox (ME)

Don Swanson (NH)
Jennie Bichrest (ME)
Ken Hinman (VA)
Tom Ogle (SC)

ASMFC Staff
Mike Waine
Public
Ed Blaine

Amendment 2

(Section 2.5) Issue 1: SSB Reference

Some AP members felt the current SSB reference points are robust, so they favor status quo.

Other AP members were in support of Option B, because the Technical Committee recommended resolving the technical mismatch. Changes in the reference points were originally brought up by the peer review and the TC's recommendation was in response to that.

(Section 2.5) Issue 2: F Reduction Schedule

Some AP members support Option E, because they do not feel like other ASMFC species are managed at the target, and it is unnecessary to manage Atlantic menhaden at the F target.

Other AP members support managing menhaden to the target and support option C, because it is the most reasonable and the fastest for achieving the F target. Five years makes sense because the opportunity to start management changes now will allow for a check-in and adjustment of measures when the next benchmark occurs in 2014.

Some members supported a combination of Option B and Option E, achieving the F target 3 years after the next benchmark stock assessment.

(Section 3.6.1.2) Issue 3: Quota Monitoring

There was consensus for mandatory catch reporting that is both comprehensive and timely.

Some AP members recommended daily reporting by both dealers and harvesters and to take that option out to public comment through a follow-up addendum.

Some AP members also support option B, because this option gives the states the most flexibility for the current reporting structure.

AP members commented that in the Atlantic herring fishery, weekly reporting by dealers makes it a challenge to manage at the quota. They implied that daily reporting would be the best approach. They also recommended developing a timeline for the SAFIS transition, and that option B could be used as every state transitioned to the SAFIS system.

(Section 3.6.2.1) Issue 4a: Biological Data

The AP reached consensus that the Board should implement mandatory biological monitoring to obtain age and length information over the geographical range of this species.

They added that the sampling should not only be where the fishery occurs, but across the entire range of Atlantic menhaden.

In most of the state agencies, personnel are spread thin, and the industry should be a partner in obtaining the target samples.

(Section 3.6.2.2) Issue 4b: Adult Survey Index

There was consensus recommending option B to enhance the adult survey index.

Some AP members suggested that aerial surveys be implemented to annually assess the adult abundance coast wide, and noted that more scientifically sound information is important for this resource.

(Section 4.2.1) Issue 5: Total Allowable Catch (TAC)

The AP had consensus for option B.

(Section 4.2.1.1) Issue 5a. TAC Specification

Once again, the AP emphasized that good monitoring is crucial for this closure mechanism to work.

Some AP members support option C, because the reporting structure for the reduction fishery is very good, and therefore a 5% buffer is plenty. This option works well with great reporting and has been successful in the Atlantic herring fishery. These members suggested that 100% of the TAC should be harvested, so the rollover mechanism is important. The combined reduction fishery and bait fishery purse seines, that report on a daily basis, form the lion share of what else is there, so what is left will not have a large impact on the outcome.

Other AP members support option B, because the bait fishery reporting is not complete. Considering that the reporting structure could change substantially, a larger buffer makes the most sense at this point.

(Section 4.2.1.2) Issue 5b. TAC setting method

The AP recommends using the Ad hoc approach, but if and when projections are developed that could be used to set a TAC, those should be considered in the future.

Considering the difference of opinion regarding the selection of a TAC, the AP elected to state their positions individually.

Don Swanson (NH) was in support of option B.4 and a 0.75 multiplier.

Ken Hinman (VA) had no preference on a 3 year or 5 year average, but the choice of a multiplier should at least be 0.75. He pointed out that, using the ad hoc ORCS approach, considering the dire condition of the menhaden stock – overfishing and overfished - coupled with its vital contributions to ecosystem health, suggests the catch be reduced by at least 25%.

Jenny Bichrest (ME) was in support of the 3 year average, and a multiplier of 1, meaning 0% reduction.

Brian Tarbox (ME) was in support of the 3 year average, and a multiplier of 1, meaning 0% reduction. Given that there is no identifiable spawner/recruit relationship and that overfishing was not occurring in any significant way until the Menhaden management Board arbitrarily changed the definition there is no valid way to choose a reduction. Any reduction is purely a guess which i think is contrary to good management.

Ron Lukens (VA) was in support of the 3 year average, and a multiplier of 1, meaning 0% reduction. However, under the notion that there should be some reduction, he wanted to emphasize that it should be no more than 10%. The science does not suggest that we need such a substantial reduction. He added a 0% reduction from the 3 year average is a 6% reduction from harvest in 2011.

Jimmy Kellum (VA) was in support of the 3 year average, and a multiplier of 1, meaning 0% reduction. He added that closing on a percentage of the TAC will mean we will probably end up leaving quota on the table.

Jeff Kaelin (NJ) stated the abundance of fish today should be reflected and therefore use 2012 landings in the average calculations. Overfishing was marginal, and concerns about the history of overfishing are not relevant. He was in support of the 3 year average, and a multiplier of 1, meaning 0% reduction.

Tom Ogle (SC) stated in the face of obvious and substantial overfishing he supports a 0.5 multiplier (meaning a 50% reduction) and reducing mortality to F Target (F30%) in 5 years.

(Section 4.2.1.3) Issue 5c: TAC Allocation

Some AP members recommend state by state allocation option C1, with a 5 year revisit provision. They are also strongly against allocation options that are not based on landings

history. Allocation that is not based on history is not a conservation effort, so it should not be considered and sets a bad precedent.

Other AP members recommended option A.2.5, a 30% bait and 70% reduction split to allow for expansion of the bait fishery to the northern region, as the population is rebuilt, and that it would be fair to allow for growth. They also felt that the landing data from the bait side of things are incomplete. They also supported a 5 year revisit provision.

Some AP members favored a coastwide quota, along with a set aside option. They also noted that the markets will dictate the breakdown for bait and reduction fisheries, so it is unnecessary to allocate to the bait and reduction fishery.

An AP member favored sub-option A1 do not allocate, but keep it a coastwide TAC. They also think the season should start July 1, and overall the season start should be considered at the ASMFC level through the appropriate process. He also stated that the allocation should be based on history, and he does not support allocations that are not based on history.

Some AP members felt that the bait market is saturated and they do not think the bait industry will expand. They are also concerned that the cuts will put a lot of people out of business.

(Section 4.2.1.4) Issue 5d: Quota Transfers

Some AP members favor quota transfers, but noted that this is most relevant if quota rollover is not allowed. Other members added that this is important, especially if menhaden show up in New England and the mid-Atlantic boats need to travel to the Gulf of Maine to harvest those fish.

Some AP members did not have a position on this issue.

(Section 4.2.1.5) Issue 5e: Quota Rollover

Some AP members support option B, to allow 100% rollover because sometimes natural events can devastate the fishery (e.g., Hurricane Sandy).

An AP member favored option A, no rollover because there is conservation in saving fish and that will hopefully help the stock grow faster.

Some AP members favored option C. However, the Board should consider several factors in deciding what percent of the underage can be rolled over. More specifically, if going with a low reduction or no reduction in recent catch, rollover is unwarranted, but if taking more substantial reduction in catch to end overfishing, some level of rollover is appropriate.

(Section 4.2.1.6) Issue 5f: Quota Payback

Some AP members are in favor of option B, 100% payback, because there needs to be incentive not to exceed the TAC.

One AP member was in favor of option A because the issue that specifies the closure percentage should mean that there will be no overages.

(Section 4.2.1.7) Issue 5g: Bycatch Allowance

The AP felt that a pound bycatch allowance is more appropriate than a percent bycatch allowance and agreed that there should be a mechanism to discourage directed harvest after the season. However, the pound nets in the mid Atlantic will have trouble because they have passive gears, so the AP is unsure if a specific pound or percent limit will work for them because they will all end up as discards. They suggested that maybe a trip limit would be a better option for them.

The AP recommended that bycatch amounts be quantified in this fishery to understand the efficiency of a bycatch allowance provision.

(Section 4.2.1.8) Issue 5h: TAC Set Aside for Small Scale Traditional Fishery

The AP recommended that the TC review the gears within each state and also look at the landings by gear and by month. This information may better inform when, where and to who would be eligible for this set aside. The AP recommends that this issue be considered again in future action after this information is obtained.

Jeff Kaelin (NJ) noted there is a late fall NJ gillnet and pound net fishery that should be considered for a set aside (he also noted there may be similar small scale fisheries in other states). He added the NJ fishery occurs after purse seining has ended coastwide and is valuable to recreational fishermen seeking menhaden as bait for a late fall striped bass run.

(Section 4.2.1.9) Issue 5i: TAC Set Aside for Episodic Events

The AP members were in support of an episodic event set aside, but they felt it would be more usable if it was a set aside from an unallocated coast-wide quota. July 1st does not work as a rollover date, September 1 or some other date in the Fall would work better.

(Section 4.2.2) Issue 6: Chesapeake Bay Reduction Fishery Cap

Some AP members support option C to adjust the cap, not eliminate it. If the intent is to protect menhaden to rebuild it, protecting them in the Chesapeake Bay is critical from an ecological perspective.

Some AP members support option A, and with a new management regime this becomes obsolete and the Board should let it expire. An AP member added the cap was not based on specific biological advice so it should expire in 2012, not wait until 2013. There is no conservation with this measure because Atlantic menhaden move in and out of the Chesapeake Bay freely.

Some AP members favored option B, to adjust it over a longer time frame as they view it has helped protect the bay.

(Section 4.5.3) Issue 7: *De Minimis*

An AP member suggested *de minimis* criteria should not be defined, but if it is defined, the criteria should be less than 0.25% of the total coast-wide bait landings. They also felt that any *de minimis* state should not be allowed to vote.

Some AP members thought that we need the annual reporting, but being exempted from biological sampling at low landings would be OK.

Some AP members felt that even if a state was granted *de minimis* status, that state should collect biological data.

(Section 4.5) Recommendations for Federal Waters

Some AP members felt this would be a good idea for consistency. They also recommended that the MAFMC be contacted to construct a joint management plan for Atlantic menhaden.

Other AP members felt that this is unnecessary as it is a fishery that is managed where menhaden are landed which is within the states.

Other Comments

Ron Lukens generally commented that there are several instances that specify Atlantic menhaden are filter feeders and therefore, they improve water quality. This is inconsistent with recent research and suggested it be removed or modified where appropriate.

Ron Lukens suggested on page 30, it states “economic impacts outside of Northumberland county are negligible” is simply incorrect.

Jeff Kaelin agreed with comments regarding water quality and filter feeding.

Historically the AP and Technical Committee (TC) used to meet together. They look forward to another meeting where the TC sits down with the AP to review implementation of Amendment 2. He recommended having a joint meeting before the benchmark stock assessment.

Melissa Dearborn (NY) who was unable to attend the AP meeting was concerned about the lost opportunity from the public hearings that were cancelled.

AP members expressed concern about a record of poor attendance by some panel members in recent years and asked that the Board/Commissioners review membership to ensure that it is active and representative of stakeholder interests.

The AP congratulates Bob Beal as new executive director of ASMFC.