

Atlantic States Marine Fisheries Commission

Atlantic Menhaden Plan Development Team (PDT) Meeting

September 9, 2021

9:00 – 11:00 a.m.

Please join my meeting from your computer, tablet or smartphone.

Webinar Link: <https://global.gotomeeting.com/join/693208717>

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Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

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|---|------------|
| 1) Welcome (<i>K. Rootes-Murdy</i>) | 9:00 a.m. |
| Assign Note-taker | |
| Review Discussion/Tasks from previous call | |
| Review Updates to PDT members Confidential Data Access | |
| 2) Review work updates from PDT tasking | 9:30 a.m. |
| Allocation Management Alternatives (Harry/Shanna) | |
| Incidental Catch and Small-Scale Fisheries (Nicole/Micah) | |
| 3) Continue Review of Menhaden Work Group Report (<i>K. Rootes-Murdy</i>) | 10:00 a.m. |
| <i>Episodic Set-Aside Program</i> | |
| <i>Quota Transfers</i> | |
| 4) Next Steps (<i>K. Rootes-Murdy</i>) | 10:30 a.m. |
| Assigning Tasks | |
| 5) Adjourn | 11:00 a.m. |

Atlantic States Marine Fisheries Commission

Atlantic Menhaden Plan Development Team

Meeting Summary

*September 1, 2021
9:00 to 11:00 am*

PDT Attendees: Kirby Rootes-Murdy (ASMFC Staff/Chair), Jeff Brust (NJ), Melissa Smith (ME), Harry Rickabaugh (MD), Nicole Lengyel Costa (RI), Micah Dean (MA), and Shanna Madsen (VA).

Members of the public: Tom Lilly

Background: At its August 2021 meeting, the Atlantic Menhaden Management Board (Board) moved to initiate a management action to address changes in allocation and additional topics as presented by the report submitted by the Atlantic Menhaden Work Group (WG).

The approved Board motion:

Move to initiate an addendum to consider changes to commercial allocation, the episodic events set aside, and the small-scale/incidental catch provision. The purpose of this action is to address the issues outlined in the Atlantic Menhaden work group memo and the PDT should use the strategies provided in the work group memo as a starting point.

Additionally, there were several goals on record related to the approved board motion:

1. Better align jurisdictional quotas with fish availability and landings;
2. Maintain access to the fishery for all Atlantic coast jurisdictions;
3. Reduce state's dependence on quota transfers;
4. Continue to minimize regulatory discards; and,
5. Maintain flexibilities in the FMPs for future shifts in menhaden abundance.

Summary: Kirby (KRM) reviewed background information related to current operations of Atlantic menhaden under ISFMP's Amendment 3 (2017), highlighting the Episodic Event Set-Aside program (EESA), remaining TAC after removal of EESA, un-used EESA and the Incidental and Small Scale program. Commercial allocation, EESA program and the Incidental/Small Scale provision will be the focus of the management document for alternative measures.

The current timeline for Addendum I is to complete five scheduled work meetings throughout September, with the goal of producing a draft document to be shared with the Board during the Annual meeting in October.

Next, KRM reviewed the Atlantic Menhaden WG Report with the group, focusing on the first two topics covered in the report: Allocation Strategies and Incidental Catch and Small-Scale Fisheries Provisions.

Allocation Strategies

The WG highlighted mismatch between available quota and fish availability, seasonality of fishing seasons impacts flexibility around quota transfers and the fixed minimum quota has resulted in latent or unused quota. KRM presented the allocation strategy table that was illustrated in the WG report and posed several questions to the PDT members for comment and discussion related to allocation methodologies; namely, how far back should the timeline start? Strategies that could be problematic to evaluate? Strategies that could potentially be combined? And, novel strategies not yet mentioned?

Harry Rickabaugh (HR) - During Amendment 2, data for bait landings was limited for certain states with a cutoff established at 2006 but that 2009 being the better option as more accurate records. Something to think about is whether to use a timeseries that incorporates data from the fishery before quota management was implemented, vs using a timeseries that would be within the timeframe of more recent quota based management. There are pros and cons to each scenario. Using a mixed timeseries could better blend the landing trends history with new recent landing trends, such as the increase in landings in the Northeast. Also, looking at recent landings under the new TAC, there doesn't seem to be much room for shifting quotas as we might think.

KRM - Something for the group to consider, the 2009-2011 timeframe, was before allocations were put in place. Is there any benefit to not go back any further? Or should we update the timeframe to start in 2010?

Nicole Lengyel Costa (NC) - Is there a goal to eliminate quota transfers?

KRM - The Board discussed quota transfers with the notion to reduce a state's dependency on quota transfers to continue operations. But, quota transfers will probably stay a facet of this management plan, but the amount of transfers in recent years has increased and with that, has become challenging for all states involved.

NC - The nature of this fishery, especially in the NE states, fluctuates drastically. It would be a helpful exercise to look at recent landings (a time series) of states from the last 3-5 years in relation to their quota transfers in an effort to understand what level of quota they would require so as to reduce their dependency on quota transfers. [Hindcasting to demonstrate how allocations would work in real time to reduce quota transfers].

Commented [KR1]: Something to pull together once all PDT members have confidential data access

Micah Dean (MD) - Agree with NC that replaying historical landing years under the alternative management options to determine how reliant on quota transfers some of these states might be would be a useful metric in determining whether new management might fit the goals of the addendum. Also, while this current set of management rules may not fit the current coastal need, it is quite possible that we will need to re-adjust again in the future as menhaden shift south from the Gulf of Maine as they have done previously. Knowing that range shifts may occur again, using a shorter timeseries that reflects the current situation would be best, and then allow for a readjustment of that time series in the future, when it's time to, again, reflect the new range shift or management situation.

KRM - Understanding that using a longer timeseries would dilute the current management trends, what would be the best length of years for a timeseries? Also, would there be a need to re-evaluate allocation sooner than three years? If what exists in Amendment 3 (A3) is acceptable, then it wouldn't need to be included in this document unless changes are necessary.

MD - The number of trailing years is difficult to determine in order to capture the 'right' level of variations in landings that can occur, in the short and long term. Three to five years seems adequate.

Melissa Smith (MS) - Agree with NC's idea about looking back at recent landings history using alternative scenarios to evaluate the possible changes or reduction in quota transfer need. Related to the timeline, understanding that there has been a spatial shift of biomass towards the Gulf of Maine - does the TC have information that would best describe when that shift began to occur, so that we could see perhaps, bookends or earmarks when transitions began to occur during the timeseries (as qualitative descriptors). Menhaden distribution is still changing, as sightings and observations were recorded by DFO in Canadian waters. Looking at the WG allocation strategies,

KRM - Any thoughts on timeseries length that would be most helpful.

MS - I was anticipating that there would be multiple timeseries options similar to what was presented in A3. Data from 2009 through 2020 would be available to pick from, with smaller timeseries determined from that range. I'd like to see a comparison of shorter timeseries from recent years with perhaps a longer timeseries.

NC - Does the language in A3 say that the allocation must to be revisited every 3 years or that it's not required?

Shanna Madsen (SM) - It does have to be revisited, but the Board can discuss allocation and also choose to not start the process to revisit allocation. At the three year mark, there needs to be an acknowledgement of the provision.

NC - The language that already exists in A3 is fine. With the changes of fish availability, especially in NE, occurring rapidly, the three year trigger seems adequate considering that if a management action should occur, it will stretch out the time between allocation revisits. Any timeframe that would be longer might miss out on additional drastic changes. If we wanted to give the Board more flexibility, broader language could be used to give the Board the ability to use their own discretion.

KMR - In reviewing Section 4.3.2.2, the language gives the Board discretion to review in three years, but also allows variation from the three year time line.

SM - With regard to the timeframe [for allocation review], three years seems adequate. Five years or greater would be too long, nor any shorter than three years. [With respect to data time series] Agrees with HR that 2009 is a good starting point for a timeseries.

Jeff Brust (JB) - Also agrees with 2009 starting point, and perhaps depending on goals, shaving off those earlier years already covered in previous documents may be reasonable.

KRM - Any strategies that we reviewed that could be eliminated due to problematic evaluations or ideas that might be combined?

SM - Considering a jurisdiction's best year of landings, how did the WG envision that method working specifically?

KRM - It wasn't fully clear from the WG how that strategy would work out, but it was discussed in a way that rather than using an average in a timeframe, use instead a best landing to better limit the smoothing that occurs when used averages of what a state's landings are. This might be a more challenging strategy to utilize. Also, there will need to be discussion on total landings, bait landings or quota adjusted landings as a set method of data before proceeding.

MD - Agrees that this strategy might also be problematic, especially with combining years from different points in the stocks trajectory and related scales of TAC.

HR - Agreed. With the TAC having changed through time, the best years could be very different for many states in relation to the stock and the TAC.

JB - Agreed. I don't think it will change the outcome and the results could be similar to other strategies available.

MS - Knowing that the WG offered the strategy based on some level of merit, would prefer to see a numeric example of this idea prior to removing it to the discard pile. Willing to draft such an example myself, and speak to perhaps the WG members that suggested it to better understand their logic and to see what the expected outcome from this strategy might be before we all agree to disregard it.

Commented [KR2]: Melissa will draft a version of this management alternative once she has full confidential data access

KRM - Could any of these ideas be combined? Rather than remain as stand-alone options? Also, we'll need to start thinking about, like in the tiered approach, what might the thresholds be in developing a tiered level? Trying to identify landings, if they are below a certain level, would fall into the low category versus a higher category. Once we have data in hand, we could look further in to this.

Incidental Catch And Small Scale Fisheries Strategies

The issues raised by the WG include: increase in recent landings -higher than the provision intended; landings by purse seine has increased since implementation of A3; problematic terminology; concern that the TAC could be exceeded if total landings continue to increase; and, landings are not accounted for in the TAC. KRM presented several strategies generated by the WG and discussed the benefits and challenges of those strategies. In relation to these strategies, what could be combined together? Or how could the provision become simplified.

HR - The notion of separating the small scale fishery and incidental catch does make sense. The incidental fishery was initially developed for the fixed gear fisheries that were perhaps not directly targeting menhaden. The small scale was designed with a focus on gillnets and purse seines; that has higher effort recently. Unsure if moving these provisions to their own set-asides would help in this scenario.

NC - Not comfortable with some of these options, as they would result in removing or impacting already established fisheries. For example, removing purse seine from small scale because it has contributed to the rise in landings, could still be challenging for states to re-assign that effort and landings to either their allocation, EESA or additional transferred quota. There are socio-economic impacts to many of these options need to be considered. Agree with HR that a new method of accounting, or a set-aside option or some other idea, could result in a shut off for a specific gear type or fishery.

JB - Isn't this issue tied to the allocation issue itself? If states that are relying on landing under the small-scale fisheries provision, could increase their allocation, would that alleviate some of the issue?

MD - An increase to allocation would help. Especially if the allocation window is when this activity has been more frequent. The landings history would go into the allocation math. Making these landings count toward the TAC and including them in the allocation math would help. These small-scale (SS) fisheries are directed fishery should count towards the directed quota.

JB - But, in the allocation strategy, would need to include SS as total landings.

SM - Previous memos on landings have already combined SS landings into total state landings. If we were going to adjust what gear types would be included into a SS fishery, it would need to be paired with data in the allocation scheme that would include all landings (including incidental/SS catch) in allocation percentages. If there are gear types that are no longer incidentally catching menhaden, but are targeting menhaden, then the allocation needs to include those in overall landings.

KRM - Once we begin the data evaluation, looking at total landings category that encompasses everything, and using total landings is one method that will try to address allocation changes that might ameliorate changes in the incidental/ SS fishery. Will need to make those details explicitly clear. Also, we might need to include options that will eliminate certain gear types for the Boards consideration, for scenario that purse seines are no longer part of the SS category. Depending on what allocation options are included in the document, the push for more recent landings may address some of these interactions.

MS - Yes to JB's point that if there is more quota available in our directed allocation, then we would not be experiencing the heavy usage on SS for continued operations. But, that would also require a large shift of directed quota. As mentioned previously, the idea of a set-aside for the incidental or small scale fisheries is similar to the idea of a management uncertainty buffer being used in the Atlantic herring fishery. Once an area or state consumes its quota, it transitions into a basic incidental trip limit that could be under a cap or a threshold that then limits harvest all together. Many harvesters in Maine have purposefully invested in the SS fishery because their preference of fishing often at small levels.

MD - Similar situation in MA, in that harvesters operate at small scale to satisfy local bait needs. But leery of developing a coastwide system for a regional issue. If we do create a set-aside under ASMFCs structure then we could create another issue where latent quota does not get utilized or require more cumbersome administrative transfers. Some issues could be resolved within a State's regulatory process that may not be suitable for a coastwide program that might not be fully utilized.

KRM - One idea, if we can isolate out the landings that have significantly grown in this SS category, and it is a regional trend, that we could adjust the EESA program to encompass that.

Wrap-up/Next Steps:

Paramount to get data access from all jurisdictions: bait landings (ACCSP), reduction landings (NOAA) for total landings.

Assigning tasks for the next call -

Begin drafting Allocation Options - HR, SM, MS (second best example)

Commented [KR3]: Concept to explore further once everyone has confidential access - evaluate small-scale fisheries landings determine what gear types/from where and volume could be applied to EESA

Begin drafting Incidental Catch/SS Options - NC, MD
Continue to update KRM on data confidentiality access

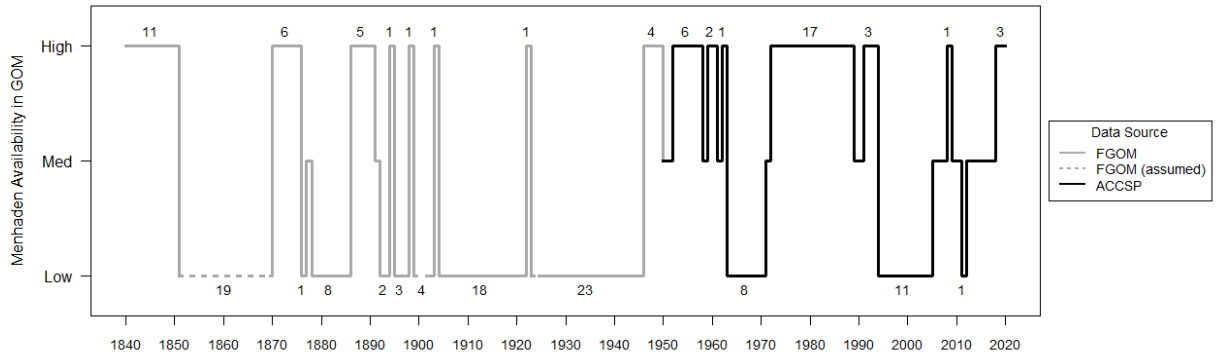


Figure X. Reconstructed history of availability of Atlantic menhaden to the Gulf of Maine. The number of consecutive years in either a “High” or “Low” availability state are labeled. Data sources include the book “Fishes of the Gulf of Maine” (FGOM), and the Atlantic Coastal Cooperative Statistics Program (ACCSP).

Methods:

Years between 1840 and 1949 (gray line) were reconstructed from the description of historical menhaden occurrence in Bigelow and Schroeder (2002). Years that were not specifically mentioned as having notably “high” or “low” menhaden occurrence were assumed to have “low” occurrence (dashed line). Years between 1950 and 2020 (black line) were reconstructed from ACCSP records of menhaden landings from Maine, New Hampshire, and Massachusetts. Specifically, menhaden availability was considered to be “high” when > 10 million pounds were landed per year by all three states combined; “medium” when between 1 million and 10 million pounds were landed; and “low” when < 1 million pounds were landed.

References:

Bigelow, H.B., and Schroeder, W.C. 2002. Fishes of the Gulf of Maine. 3rd ed. Edited by B.B. Collette and G. Klein-MacPhee. Smithsonian Institution Press, Washington, D.C.