

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

November 19, 2002  
Williamsburg, VA

**Approved December 17, 2003**

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## ATTENDANCE

### Board Members

Lew Flagg, ME DMR	A.C. Carpenter, PRFC
MaryAnn Blanchard, NH Leg. Appte.	Sen. Richard F. Colburn, MD Leg. Appte.
Ritchie White, NH Gov. Appte.	Bill Goldsbourough, MD Gov. Appte.
John Nelson, NH Fish and Game	Eric Schwaab, MD DNR
Vito J. Calomo, MA, proxy for Rep. Verga, MA Leg. Appte.	Kathy Barco, FL Gov. Appte.
Bill Adler, MA Gov. Appte.	Anne Lange, NMFS
Paul Diodati, MA DMF	Bill Cole, proxy for Dr. Geiger, USFWS
Damon Tatem, NC Gov. Appte.	Gordon Colvin, NY DEC
Melvin Shepard, NC, proxy for Rep. E. David Redwine, NC Leg. Appte.	Pat Augustine, NY Gov. Appte.
Ernie Beckwith, CT DEP	Brian Culhane, NY, proxy for Sen. Owen H. Johnson NY Leg. Appte
Susan Shipman, GA Coastal Resources	Bruce Freeman, NJ, proxy for Robert McDowell, NJ DF&W
John Miglarese, SC DNR	Tom Fote, NJ, Gov. Appte.
David Cupka, SC Gov. Appte.	John DePersenaire, NJ, proxy for Assemblyman Robert Smith, NJ Leg. Appte.
G. Lyell Jett, Omega Protein, proxy for Sen. Chichester, VA Leg. Appte.	Jeff Tinsman, DE Division of Fish and Wildlife
Jack Travelstead, VA, proxy for William Pruitt, VA MRC	

### Ex-officio Members

Mike Bloxom, MD DNR, FEC Rep.	William Windley, MD, AP Chair
Ellen Cosby, VA MRC, TC Chair	

### Staff

Megan Gamble	Tina Berger
John V. O'Shea	

### Guests

Bruno M Vasta, MD Sport Fishermen's Association	Gordon Birkerr, PRFC and VMRC
Ed O'Brien, MD Charterboat Association	Richard Daiger, PRFC
Jim Price, CBEF	Paul Kellam, PRFC
Eleanor Bochenek, Rutgers University	James Hayden, CCA VA
Steve Jones	Bob Fjlestad, CCA-VA
Niels Moore, Menhaden Resource Council	

## SUMMARY OF MOTIONS

**Motion to approve minutes of August 27, 2002**

Motion carries without objection.

**Move to accept PRT report as submitted.**

Motion by Mr. Cupka, second by Mr. Travelstead; motion carries.

**Motion to approve the staff recommendation to add Dr. Schuhmann as the CESS member of the Technical Committee.** Motion carries without objection.

**ATLANTIC STATES MARINE  
FISHERIES COMMISSION**

**ATLANTIC MENHADEN  
MANAGEMENT BOARD**

**Williamsburg Lodge  
Williamsburg, Virginia**

**November 19, 2002**

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The Atlantic Menhaden Management Board of the Atlantic States Marine Fisheries Commission convened in the Tidewater Room of the Williamsburg Lodge, Williamsburg, Virginia, November 19, 2002, and was called to order at 1:00 o'clock p.m. by Chairman David V.D. Borden.

**WELCOME AND INTRODUCTIONS**

CHAIRMAN DAVID V.D. BORDEN: I would like to convene the Menhaden Board meeting. Welcome to the meeting of the Atlantic Menhaden Management Board. My name is David Borden and I am the chair.

I would note for the record that we do have a quorum, and I would ask the staff to circulate an attendance sheet. As we always do, we offer the public right at the start of the meeting an opportunity to present any positions, and I will do that in a second.

**APPROVAL OF AGENDA**

CHAIRMAN BORDEN: But first, let me ask, on the agenda are there any issues that any board representatives care to add to the agenda or modify on the agenda? Anyone in the audience? Seeing no hands up, we'll take the items in which they appear.

Mr. Price, do you want to make a public comment? I'm going to do that next. The next item we're going to deal with is public comment. Mr. Price, would you like to make a comment?

**PUBLIC COMMENT**

MR. JAMES PRICE: Thank you, Mr. Chairman. I will try to make it brief, but I wanted to comment on a report that's going to be given to both

houses of congress concerning the management of striped bass.

Since it involves menhaden management issues as well, I would like to briefly mention some of those so the board can be aware of what is going to be presented. I've left copies here for the board and the advisory committee and the technical committee.

Some of the passages in this report point out that the forage base has collapsed. It's referring to the Chesapeake Bay. The fishery managers have made no attempt to adjust the harvest of predators or reduce the harvest of Atlantic menhaden.

The Bay's older age three-plus striped bass are consuming a greater amount of bay anchovy and blue crab because their preferred diet of Atlantic menhaden has declined to record low numbers.

A recent University of Maryland study of striped bass in the Chesapeake Bay found that in 1959 striped bass ages three to six ate three times as much Atlantic menhaden as in 2001. Also, in 1959 age-six striped bass were 73 percent heavier than in 2001.

In a related study by the University of Maryland of the Eastern Shore, Overson suggests that environmental conditions, including water temperature, prey size, and prey availability failed to adequately support production of age-three plus striped bass in the Bay.

Other bioenergetic studies suggest that management measures that permit increased escapement and presumably increased migration of age one and older menhaden to the Chesapeake Bay will benefit the production of striped bass, blue fish, and weakfish.

The harvest of menhaden by the industrial fishery in the Bay has averaged 300 million pounds per year since 1970, creating the largest commercial fishery on the Atlantic coast. The removal of menhaden is equal to five times the combined Maryland commercial seafood harvest of shellfish and finfish.

This intensive fishery contributes to localized depletion of forage for migratory and older resident striped bass in the Chesapeake Bay and has altered the Bay's ecology in ways that aren't fully understood.

The ASMFC has made a fundamental mistake in fisheries management by developing an FMP that is intended to produce maximum sustainable yields for the industrial fishery that harvest Atlantic menhaden.

Ironically, at the same time the ASMFC is trying to rebuild stocks of predator species like striped bass, weakfish, and bluefish that depend on Atlantic menhaden for the major portion of their diet.

Another recommendation that is in this report, the ASMFC needs to consider coordinated ecosystem-based management because the Chesapeake Bay Fisheries Ecosystem Plan is an example of the approach needed to develop cooperative management that should include the ASMFC, since they manage species that support the Bay fisheries.

I'm pointing this out because there is a serious crisis in the Chesapeake Bay, and some of these reports that have been made available to some of us haven't been made available to the public, but you'll be hearing about it in the near future. Thank you.

CHAIRMAN BORDEN: Thank you for those comments. Anyone else in the audience care to make public comment at this time? As we always do, we will take comments from the public as the proceedings move along.

#### APPROVAL OF PROCEEDINGS

CHAIRMAN BORDEN: I was remiss in jumping over one of the items on the agenda. We need to approve the proceedings from the August 27 meeting. Are there any comments, additions, deletions on those minutes? **If not, any objection to having the record reflect approval unanimously? No objection, the proceedings stand approved.** The next item on the agenda is the plan review team report. Megan.

#### PLAN REVIEW TEAM REPORT

MS. MEGAN GAMBLE: Thank you. I believe you have all just received the revised version of the 2002 review of the fishery management plan for Atlantic menhaden.

Joe Desfosse and the plan review team have pulled this all together, and Joe has indicated in bold italics that it has been updated from last year's FMP review. I'll just make note of a few areas that I would like to call your attention to.

The status of the stock has been updated based on 2002 stock assessment. This section includes some new tables and figures to depict the current stock conditions. The status of the fishery has also been updated based on 2001 data.

This section includes new figures to depict landings and effort trends. There is also a new figure added to depict current stock status relative to the Amendment 1 biological reference points.

And to that point, the technical committee has recommended increasing the spawning stock target and threshold based on a reanalysis of combined bait and reduction fishery landings.

Table 2 within the FMP review summarizes information from the annual state compliance reports, and the PRT wanted to make a few notes on the review of compliance. We have received no report from the state of Massachusetts, the state of Rhode Island, and the state of New York.

New Hampshire did submit a report, but it's incomplete and does not follow the standard compliance report format. South Carolina and Georgia have submitted requests for *de minimis*.

The Atlantic menhaden is triggered for a peer review in the fall of 2003. The management board needs to decide what type of peer review the next assessment should undergo, and there's actually several options available to the board.

I will list them and then I would ask for the board to provide some guidance. The first is the commission can organize a stock assessment review panel; two, the peer review could be conducted by an existing organization, such as AFS; three, it could go through the SAW/SARC process in New England; and then, four, there is a new process in the southeast called SEDAR.

CHAIRMAN BORDEN: Megan is suggesting that it would probably be appropriate, given the fact that we have a number of different issues here, we may want to just take these up one at a time. But in terms of — let me ask her to finish her report and then we'll go back to each one of these items.

MS. GAMBLE: The PRT has some recommendations on compliance. The first, as of October 1, 2002, all states were found to be in compliance with Amendment 1 with the exception of Massachusetts, Rhode Island, and New York.

The compliance status of these states could not be determined since they have not submitted an annual report at this time. In addition, the compliance status of New Hampshire was unclear since the report

submitted was considered to be incomplete by the plan review team.

The plan review team recommends that New Hampshire submit an annual compliance report which follows the standard report format and that has been approved by the ISFMP Policy Board. Specifically, the plan review team couldn't determine whether or not New Hampshire has the mandatory reporting requirement for the purse seine or bait seine vessels.

The next issue was the states of Georgia and South Carolina have requested *de minimis* status. Amendment 1 does not outline the qualifications for *de minimis* status. There is a mandatory reporting requirement for the purse seine and bait seine vessels.

However, both Georgia and South Carolina already require reporting from either dealers or other vessels and purse seines are prohibited in both state's waters. Annual compliance reports are required from all states, including those with *de minimis*. Therefore, the plan review team feels that these requests are unnecessary under the conditions and provisions of Amendment 1.

The next item that was a recommendation from the plan review team is to update the menhaden fact sheet. This should be revised and published following the development of Amendment 1.

And the last item the PRT wanted to bring before the board is developing revised spawning stock biomass reference points. Amendment 1 was adopted by the commission in 2001.

The technical committee recommended that the spawning stock biomass reference points contained in Amendment 1 be revised to reflect the incorporation of the bait fishery's data in the stock assessment.

The combined reduction in bait catch matrix has resulted in historically higher estimates of spawning stock biomass, especially for the periods of 1985 to 2001, than those obtained from just the reduction catch matrix.

The committee has proposed increasing the spawning stock biomass target to 57,200 metric tons and the spawning stock biomass threshold to 31,500 metric tons, and this is based on the same methodology used in Amendment 1 to develop biological reference points.

So the plan review team concurs with the technical committee, and an addendum should be prepared to accomplish this as soon as possible.

Although one item the board may want to consider is that the Atlantic menhaden will be going through a stock assessment next year, the board may want to defer this until after the new peer review has been conducted. That concludes my report.

CHAIRMAN BORDEN: Are there any general questions before we get into the actions? Yes, Pat.

MR. PAT AUGUSTINE: Thank you, Mr. Chairman, just a point of information. I assume the technical committee came up with the new recommendation for SSB, the 57,200 and the SSB threshold of 31,500 and was there any -- what method did they use to arrive at those numbers? I think it would be helpful on that. They're recommending increases to both the threshold and target.

MS. ELLEN COSBY: We used the same methodology that we've used in the past to develop the target and threshold. It's just the numbers have gotten updated because of better bait landing information.

MR. AUGUSTINE: Thank you, Mr. Chairman.

CHAIRMAN BORDEN: Are there any other general questions? What I'm going to suggest here is that we slightly deviate from the published agenda and take up the update on the status of the 2002 fishery.

We'll just let Ellen brief us on the fishery because there may be some information in there that would be useful in determining positions that people may hold on approving or partially approving the plan review team recommendation. Any objection to that? If not, Ellen, would you please give us your report?

#### **UPDATE ON STATUS OF 2002 FISHERY**

MS. COSBY: I got the update on the menhaden season to date from Joe Smith at Beaufort. For Virginia it started out with May 2002 windy and cold, so the catches in the Chesapeake Bay were poor throughout the month.

They improved by mid-June and the Omega Plant was operating with ten vessels again this year, as they have in the past several years.

There were good catches in the Chesapeake Bay July through September, with most fishing activity near the Maryland line in the Rappahannock River and Pocomoke Sound areas. There was less fishing activity down in the Bay where the smaller age class were occurring.

The Virginia vessels began fishing in the area off the New Jersey coast beginning the last week of June and then periodically all summer. As in recent summers, they found large concentrations of menhaden occurring five to ten miles or more off the New Jersey/Delaware coast.

During October there was excellent fishing in the Chesapeake Bay near the Maryland line with large, 25-plus centimeter, fish. Therefore, the Virginia fleet pretty much stayed in the Chesapeake Bay.

There's been windy weather so far in November -- this is through November 13<sup>th</sup> -- which has made fishing difficult and so the catch has been poor for November. They haven't seen any of the fall coastal migratory fish off of North Carolina yet.

In North Carolina the Beaufort Fishery was down for repairs all summer and did not land and process fish until September. There were excellent spring and summer run of menhaden along the North Carolina coast, however.

Most fish were around age ones. A few Virginia vessels caught fish off of the northern and central North Carolina coast in early June. Beaufort operated with one vessel during September and October, catching a mix of menhaden and Atlantic fin herring off the central North Carolina coast. The second vessel from Beaufort is expected to be ready to fish in late November.

The landings through October 31st, the coastwide landings reduction, 133,881 tons, which is 28.5 percent down from 2001 landings; and 18.6 percent from the previous five-year average. The reason they gave was for the poor start for Virginia vessels in 2002.

The age composition coastwide so far, through early November, is 21 percent age ones, 46 percent age twos, and 33 percent age threes. I do have a breakdown for other areas, but unless you have a specific question, I will move on with that.

Again this summer, numerous reports of abundant peanuts in the three- to four-inch menhaden from New Jersey north to southern Maine. There were a few fish kills of peanuts reported in the Maine and Delaware Bay area.

For the fall fishery, we anticipate Virginia vessels to fish the Virginia/North Carolina coast until mid-December, weather permitting, and we anticipate the North Carolina vessels, which are two vessels, to fish the North Carolina coast well into January.

The fish meal and fish oil prices are strong. The South American catches have been poor due to the El Nino, so the South American oil yields are low. The Asian countries are buying, again, for aquaculture. The bait demand has been strong all summer long. That completes my report.

CHAIRMAN BORDEN: Thank you, Ellen. Any questions for Ellen? Anyone in the audience? If not, let's go back to the plan review team.

The report basically has a number of recommendations that I think we should deal with. I think the first one is the compliance requirement, or actually, the first one is the -- it is the compliance requirement, but the first recommendation on compliance is on page 10.

Before that, the PRT has basically recommended that we need to provide guidance as to what type of peer review is required. Megan outlined, I think, three or four different alternatives that are available. Any comments on those alternatives or preferences on those alternatives on behalf of the board? Bill.

MR. WILLIAM A. ADLER: Thank you, Mr. Chairman. I just had a point of information here on page 10. Could someone explain to me under the recommendations section where it says "general"; it says, "In light of the recent poor recruitment but increasing spawning stock biomass" -- how is the spawning stock biomass increasing even though there is poor recruitment. Am I missing something here?

CHAIRMAN BORDEN: Ellen, to that point.

MS. COSBY: There was a large year class in 1999, and that is contributing to the spawning stock now, and so the spawning stock biomass is at a very high level this year.

MR. ADLER: Okay, and the poor recruitment is for the weather?

MS. COSBY: The recruitment has been declining over the past several years and we are concerned about that. It's a problem and we don't understand exactly what is going on. But since the year class of 1999 was so strong, it has made the spawning stock biomass very high.

MR. ADLER: It just seemed contradictory the way that was worded. Thank you.

CHAIRMAN BORDEN: Any other questions? Back on the point, which is -- Vito, peer review?

MR. VITO CALOMO: I have a question.

CHAIRMAN BORDEN: Go ahead, sir.

MR. CALOMO: Thank you. She mentions the large volume of peanuts, and we're seeing tremendous amounts. Isn't that recruitment into the fishery? You say lack of recruitment and we're seeing abundances of recruitment.

MS. COSBY: There is recruitment going on, but it's just lower than it has been in previous years.

MR. CALOMO: Are you seeing recruitment to the south, down here Virginia way? Is there recruitment there?

MS. COSBY: There is some occurring, yes.

MR. CALOMO: Okay, we've never seen the recruitment that we see up to the northern, from Maine down to, say, Connecticut or New York, so are we taking that in consideration in recruitment?

MS. COSBY: Yes, sir.

CHAIRMAN BORDEN: Yes, Vito, one of the items of information that is available to the scientists is they look at a lot of the inshore seine surveys that the states do, so that in fact they use a lot of that information that comes out of Narragansett Bay, Buzzards Bay, and so forth to plot an index of abundance for menhaden.

Traditionally, the bulk of those fish are south of that area, though. Any other comments to this point before we go back to the -- okay, preferences on the peer review? Does the staff have a recommendation on the peer review? Susan.

MS. SUSAN SHIPMAN: This issue came up in the South Atlantic Board as well. Since we have a new stock assessment committee that will be formed and is going to be activated in the coming year, it was my impression that they would be tackling this type of thing and making recommendations to the boards of what would be the most appropriate venue for a peer review. I would suggest that we defer this to that stock assessment committee.

CHAIRMAN BORDEN: Any objection to that? Bruce Freeman.

MR. BRUCE FREEMAN: Just a point of clarification. My understanding is when the commission conducts its own peer review, there's additional costs of having people, the travel costs primarily; and then in the SARC process, that's a process that's set up.

I don't think there is a direct cost or a very large direct cost to the commission relative to that. But, the question I would have is the SARC process is such that the commission sits down with the councils and the Service to determine the priority of what they're going to review several years in advance.

The question I have is was menhaden on that list when that was done? Do we know that? I mean, Jack was probably involved before he left for the Service. I'm not sure if Vince was apprised of that or Bob could speak to that issue, but I'm just curious from --

CHAIRMAN BORDEN: Bob or Vince.

MR. ROBERT E. BEAL: Menhaden is not listed on next year's SARC, if my memory serves me right, but I'll check on that and get back to you. I don't think it's listed on that.

MR. FREEMAN: Well, my point would be if it's not, then regardless of what we want to do, it's not going to happen in 2003. If we're interested in doing that, the commission, my understanding is that it needs to be planned at least a year, and perhaps two, in advance to make that list.

CHAIRMAN BORDEN: Yes, Bob.

MR. BEAL: In the action plan that we're going to review tomorrow and the commission will take action on Thursday, there is money in that action plan to have one external peer review next year.

So if the commission chooses that to be menhaden — the two that have been discussed and bounced around are menhaden and horseshoe crab.

The horseshoe crab assessment is probably going to be delayed, or it probably is reasonable to delay that assessment due to some data-gathering issues. So, you know, there is money to do one external peer review, and the staff has worked that into the work plan for next year if that's what this board chooses to do.

CHAIRMAN BORDEN: Paul, have you got a point?

MR. PAUL DIODATI: It's my recollection that for most of these stock assessments, they have been going to the SARC process without recommendation from any ASMFC boards. It's just as a matter of routine that Science Center personnel are involved in the assessments; and so they end up there, although I like the idea of asking us if there is an alternative method for peer review.

I agree with the recommendation that it should go to this new stock assessment committee provided that will be a recommendation back to this board. It's not what will be the definitive process for the peer review.

CHAIRMAN BORDEN: Any objection to following the course of action outlined by Susan? If not, that's the course of action we'll follow.

The next item is the compliance recommendations, and what I would pledge at the next meeting of the board is we'll have a public flogging of the Rhode Island staff member that didn't submit the report.

And here, my suggestion is that given the size of the fisheries in these three states, that we simply allow two weeks for the states of Massachusetts, Rhode Island, and New York to submit their reports. Any objections to doing that? No objections. As to New Hampshire, John, would you like to comment on this?

MR. JOHN NELSON: Well, thank you, Mr. Chairman. I note that we submitted on May 15<sup>th</sup>, so we tried to be timely in submitting our report. I don't know if my staff brought this to my attention that we had used the wrong format or something, but I suspect that it's not really an issue up our way.

It might have fallen through whatever cracks that we were supposed to resubmit something. I would just say, for the edification of all, that, no, we do not have mandatory reporting because we do not allow purse seines, bait seine vessels, or any other mobile gear harvest of finfish in state waters.

I can't imagine why that didn't come out across clear in our report, but I certainly will make a note, check it, make sure I flog the -- or I get flogged by the staff, and we'll deal with it. Sorry about that.

CHAIRMAN BORDEN: John, would you have any objection to providing your guidance on that issue within the same two week time period?

MR. NELSON: I have no problem with that, Mr. Chairman.

CHAIRMAN BORDEN: All right. Anything further on the first part of the compliance issues? Then the second part is this issue of Georgia and South Carolina and their request for *de minimis* status, and maybe Megan can restate the recommendation here. Is there really an advantage to those states getting *de minimis* status? I mean, what changes here?

MS. GAMBLE: It's my understanding that the only requirement in the plan is this reporting requirement, which both states are already doing. The other point is that *de minimis* status does not relieve a state of submitting an annual report, so, therefore, having *de minimis* status does not relieve you of any responsibilities.

CHAIRMAN BORDEN: Susan.

MS. SHIPMAN: What I would say is we just wanted to be sure and, in our mind, we were trying to be proactively exempted from a future requirement. We don't have a fishery. Hey, it's a novel concept. We're thinking outside of the box.

CHAIRMAN BORDEN: All right, I guess my question, for my own edification, do you still — having that as a little bit of background, do you still require action on this? Are you still requesting action on this, the two states?

MS. SHIPMAN: It doesn't matter; we were just trying to be sure.

CHAIRMAN BORDEN: All right, does anyone care to propose an action on this particular item? If not, we're going to move on.

The next item that I would like to take up is this concept of the technical committee recommended increasing the SSB target to 57,200 metric tons and increasing the SSB threshold to 31,500. Discussion on that point? That will require an addendum to do that. Yes, A.C.

MR. A.C. CARPENTER: Changing the spawning stock threshold, or the biomass targets and thresholds will not change the F's that we currently have? It will just move the two lines to the right on the – Okay, thanks.

CHAIRMAN BORDEN: Other questions? It seems to me on this, if we're going to proceed forward, we should get a sense of the board as to whether or not they want to proceed with an addendum.

Is there any objection to doing that? No objections, then the record will reflect that we unanimously agreed to recommend that an addendum be prepared and submitted to make these changes. I would ask everyone to reflect that in their deliberations when we get into priorities. Any other items?

**Okay, then I think that covers the action items. Could I have a general motion to accept the report as submitted?**

CHAIRMAN BORDEN: All right, David Cupka moves; Jack Travelstead is the second. Any discussion on that? Anyone in the audience? Are you ready for the question? All in favor, signify by saying aye; opposed; abstentions. **The motion carries unanimously.** The next item is the nomination for an economist position. Megan.

#### **APPROVAL OF CESS NOMINEE**

MS. GAMBLE: You should have all received, in your briefing materials, a memo from Joe Moran, and this is a nomination from the Committee on Economics and Social Sciences, and they are nominating Dr. Peter W. Schuhmann as the economist appointee to the Menhaden Technical Committee.

And just very briefly, Dr. Schuhmann is an assistant professor of economics at the University of North Carolina, Wilmington. In addition to teaching marine economics coursework, his research includes fisheries policy analysis, bioeconomic modeling, and natural resource damage assessment.

The staff believes that Dr. Schuhmann would be a valuable asset to the commission's fishery management process and to the Menhaden Technical Committee in particular.

CHAIRMAN BORDEN: All right, any comments on the suggestion? Any objections to the recommendation? **If not, the recommendation is approved as submitted.**

#### **ADJOURNMENT**

CHAIRMAN BORDEN: Any further business? Any other business? Anyone in the audience with items to discuss? If not, the meeting is adjourned. Thank you very much.

(Whereupon, the meeting was adjourned at 1:40 o'clock p.m., November 19, 2002.)