

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

**The Westin Alexandria
Alexandria, Virginia
August 3, 2016**

Approved October 26, 2016

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INDEX OF MOTIONS

1. **Approval of Agenda** by Consent (Page 1).
2. **Approval of Proceedings of May, 2016 by Consent** (Page 1).
3. **Move to approve Addendum I with the following option: Option B** (Page 6). Motion by Lynn Fegley; second by Steve Train. Motion carried unanimously (Page 8).
4. **Move to approve Addendum I, with an implementation date of August 15, 2016, with the options selected here today** (Page 8). Motion by Lynn Fegley; second by Martin Gary. Motion carried unanimously (Page 9).
5. **Move to approve Addendum I as modified today** (Page 9). Motion by Bill Adler; second by Emerson Hasbrouck. Motion carried unanimously. Roll Call Vote: In favor – ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS (Page 9).
6. **Main Motion**
Move to set the 2017 coastal TAC for the Atlantic menhaden fishery at 225,456 metric tons (20% increase) (Page 24). Motion by Martin Gary; second by Jerry Schill.

Motion to Amend

Move to amend to maintain status quo (187,880 metric tons) for the 2017 fishing year (Page 28). Motion by Robert Boyles; second by Ritchie White. Motions failed (9 in favor, 9 opposed). Roll Call Vote: In favor – NH, MA, RI, CT, PA, SC, GA, FL, USFWS; Opposed – ME, NY, NJ, DE, MD, PRFC, VA, NC, NMFS (Page 39).

Motion to Amend

Move to amend to set the 2017 coastal TAC for the Atlantic menhaden fishery at 206,668 metric tons (10% increase) (Page 39). Motion by Lynn Fegley; second by Terry Stockwell. Motion failed (Page 40). Roll Call Vote: In favor – ME, NY, NJ, DE, MD, VA, NMFS, USFWS; Opposed – NH, MA, CT, PA, PRFC, NC, SC, GA, FL; Null – RI.

Motion to Amend Move to amend to set the 2017 coastal TAC for the Atlantic menhaden fishery by a 5% increase (197,274 metric tons) (Page 41). Motion by Dave Simpson; second by Jim Gilmore. Motion failed (Page 42). Roll Call Vote: In favor – ME, CT, NY, DE, MD, VA, NC, NMFS, USFWS; Opposed – NH, MA, RI, NJ, PA, PRFC, SC, GA, FL.

Motion to Amend

Move to amend to set the 2017 coastal TAC for the Atlantic menhaden fishery to a 1% increase (20,666 metric tons) (Page 44). Motion by Rep. Sarah Peake; second by Dennis Abbott. Motion failed (Page 45). Roll Call Vote: In favor – NH, MA, RI, CT, PA, NMFS, USFWS; Opposed – ME, NY, NJ, DE, MD, PRFC, VA, NC, SC, GA, FL.

Motion to Reconsider an Amended Motion

Move to reconsider the amended motion for a 10% increase (206,668 metric tons) to the Atlantic menhaden 2017 coastal TAC (Page 45). Motion by Martin Gary; second by Adam Nowalsky. Motion carried (Page 46). Roll Call Vote: (In favor – ME, NY, NJ, DE, MD, PRFC, VA, NC, NMFS; Opposed – NH, MA, CT, PA, SC, GA, FL, USFWS; Null – RI.

Amended Motion

Move to set the 2017 coastal TAC for the Atlantic menhaden fishery at a 10% increase (206,668 metric tons). Motion failed. Roll Call Vote: In favor – ME, NY, NJ, DE, MD, PRFC, VA, NMFS; Opposed – NH, MA, CT, PA, NC, SC, GA, FL, USFWS; Null – RI.

Main Motion

Move to set the 2017 coastal TAC for the Atlantic menhaden fishery at 225,456 metric tons (20% increase).

Motion to Amend

Move to amend the main motion to set the 2017 coastal TAC for the Atlantic menhaden fishery at 19% increase of 2016 TAC (Page 48). Motion by Robert Boyles; second by Martin Gary. Motion failed (Page 49). Roll Call Vote: In favor – ME, NJ, PRFC, VA, NMFS; Opposed – NH, MA, RI, CT, NY, PA, DE, NC, GA, FL, USFWS; Null – MD, SC.

Motion to Postpone Main Motion

Move to postpone until the next meeting of the Menhaden Board (Page 49). Motion by Dennis Abbott; second by Bill Adler. Motion carried (Page 51). Roll Call Vote: In favor – NH, MA, NY, PA, DE, MD, VA, NC, NMFS, USFWS; Opposed – RI, CT, NJ, PRFC, SC, GA, FL; Null – ME.

Main Motion

Move to set the 2017 coastal TAC for the Atlantic menhaden fishery at 225,456 metric tons (20% increase). Motion postponed until next meeting.

7. **Motion to adjourn** by Consent (Page 63).

ATTENDANCE

Note: Sign-in Sheet not distributed to all attendees

Board Members

Pat Keliher, ME (AA)	Tom Moore, PA, proxy for Rep. Vereb (LA)
Terry Stockwell, ME, Administrative proxy	John Clark, DE, proxy for D. Saveikis (AA)
Rep. Jeffrey Pierce, ME, proxy for Sen. Langley (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Steve Train, ME (GA)	Roy Miller, DE (GA)
Cheri Patterson, NH, proxy for D. Grout (AA)	Rachel Dean, MD (GA)
G. Ritchie White, NH (GA)	Dave Blazer, MD (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Bill Goldsborough, MD, proxy for Del. Stein (LA)
Rep. Sarah Peake, MA (LA)	Rob O'Reilly, VA, proxy for J. Bull (AA)
Bill Adler, MA (GA)	Kyle Schick, VA, proxy for Sen. Stuart (LA)
David Pierce, MA (AA)	Cathy Davenport, VA (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Michelle Duval, NC, proxy for B. Davis (AA)
Robert Ballou, RI, proxy for J. Coit (AA)	Jerry Schill, NC, proxy for Rep. Steinburg (LA)
David Borden, RI (GA)	W. Douglas Brady, NC (GA)
David Simpson, CT (AA)	Malcolm Rhodes, SC (GA)
Rep. Craig Miner, CT (LA)	Robert Boyles, Jr., SC (AA)
Steve Heins, NY, proxy for J. Gilmore (AA)	Patrick Geer, GA, proxy for Rep. Nimmer (LA)
Emerson Hasbrouck, NY (GA)	Spud Woodward, GA (AA)
Russ Allen, NJ, proxy for D. Chanda (AA)	Jim Estes, FL, proxy for J. McCawley (AA)
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	Martin Gary, PRFC
Tom Fote, NJ (GA)	Derek Orner, NMFS
Loren Lustig, PA (GA)	Mike Millard, USFWS
Andy Shiels, PA, proxy for J. Arway (AA)	

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

Ex-Officio Members

Jason McNamee, Technical Committee Chair	Jeff Kaelin, Advisory Panel Chair
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Staff

Bob Beal	Kirby Rootes-Murdy
Toni Kerns	Megan Ware
Mark Robson	

Guests

Charles Lynch, NOAA	Greg DiDomenico, Garden State Seafood Assn.
Wilson Laney, US FWS	Shaun Gehan, Omega Protein
Mike Luisi, MD DNR	Ben Landry, Omega Protein
Robert Newberry, Delmarva Fisheries Assn.	Patrick Paquette, Massachusetts
David Sikorski, CCA Maryland	Robert Brown, MD Watermen's Assn.
Dr. Jane Harrison, Appalachian State University	Ken Hinman, Wild Oceans
Joseph Gordon, PEW Trusts	Aaron Kornbluth, PEW Trusts

The Atlantic Menhaden Management Board of the Atlantic States Marine Fisheries Commission convened in the Edison Ballroom of the Westin Hotel, Alexandria, Virginia, August 3, 2016, and was called to order at 8:00 o'clock a.m. by Chairman Bob Ballou.

CALL TO ORDER

CHAIRMAN ROBERT BALLOU: Good morning everyone, I would like to call this meeting of the Menhaden Management Board to order. My name is Bob Ballou; I have the honor of serving as Chair. I want to welcome all of the board members, all staff, and all members of the public who are here today; as well as those who may be listening in remotely via the webinar.

Before we begin, I just want to note a few things. First, we have a very full agenda, as I think you all know, and just three hours to get through it. I will ask for the Board's and the public's assistance in being as concise as possible with your questions, comments and discussion. I also want to note that for two items on the agenda today, involving final action; and that would be the Draft Addendum I and the 2017 Specifications.

Any meeting-specific proxies may fully engage, but may not participate in the final votes taken by the board. Lastly, although it feels to me that Megan is already a veteran, given the many exchanges we've had over the past several weeks, this is, in fact, her first meeting as FMP Coordinator, so I just want to formally welcome her, and acknowledge what a great job she's been doing. It has really been a pleasure working with her.

Lastly, I'll just note that I am visually impaired. I ripped a contact lens this morning, so you all look like a sea of menhaden to me. I'm going to really do my best, and Megan is going to help. But if I'm fumbling to try to see who has their hand up, it is because I am at about 80 percent vision right now; so what a wonderful development, that is, I have to tell you.

APPROVAL OF AGENDA

CHAIRMAN BALLOU: Okay, having dispensed with the pleasantries, let's get down to business. Item one is the approval of the agenda. Are there any additions to the agenda? Terry Stockwell.

MR. TERRY STOCKWELL: I think the state of Maine has been in part responsible for making Megan's introduction of menhaden more interesting; and I would like to report to the board with an update on Maine's episodic fishery this summer.

CHAIRMAN BALLOU: Are there any other additions to the agenda? Seeing none; are there any objections to approving the agenda, as modified? Seeing none; the agenda stands approved by consent.

APPROVAL OF PROCEEDINGS

CHAIRMAN BALLOU: Moving on to the next item, which is the approval of the proceedings from the May, 2016 Board meeting.

Are there any recommended changes to those meeting minutes? Seeing none; is there any objection to approving those minutes? Seeing none; those minutes stand approved by consent. Thanks to the stenographer, Dot, for doing a great job.

PUBLIC COMMENT

CHAIRMAN BALLOU: Next on the agenda is public comment. This is an opportunity for anyone from the public who wishes to comment on any issue that is not on today's agenda, to do so, which means that if your comments pertain to either Draft Addendum 1, or to Specifications for 2017, now is not the time to comment.

There will be opportunities to comment on both of those issues when we get to them. I believe there has been a signup sheet, and I think Megan is heading back with that in hand; so

what I'll do is I'll draw from that signup sheet now, and call upon those who wish to comment on anything not on the agenda; and we have a blank sheet. With that I will ask, is there anyone from the public who wishes to comment at this time?

DRAFT ADDENDUM I TO AMENDMENT 2

CHAIRMAN BALLOU: Seeing no hands; we'll move on to the next item, which is Draft Addendum I to Amendment 2, involving a potential adjustment to the bycatch provision of the FMP. This draft addendum involves four options. It has gone through a formal public comment process involving several public hearings in several states, and is now before the board for final action. We have 45 minutes set aside for this item.

I will first be turning to Megan for a staff presentation; then to Jeff Kaelin for an AP report, then to Mark Robson for a Law Enforcement Committee report. After addressing any questions the board may have for Megan, Jeff or Mark, I will open the floor for motions. At this point, I will go to Megan for her presentation on the Draft Addendum, the options presented, and a summary of public comments received.

REVIEW OF OPTIONS

MS. MEGAN WARE: I'll be going through Draft Addendum I today, and again this is to consider potential changes to the current bycatch provision. An overview of my presentation today, first. I'll go through a timeline of the addendum. I will briefly review the bycatch fishery and the options that are included. Then I'll move right into public comment. We'll go to the AP report, the LEC report; then the board will consider final action today.

As a timeline, the board initiated this addendum in February, to consider revisions to the bycatch provision. In May, the Board saw a draft of this addendum, and approved it for public comment. We had our public comment

period from May through July 11, and today we're going to be reviewing those comments and taking final action.

Just a reminder of how the bycatch provision currently works. All landings prior to a state reaching its quota count towards the quota. Then once a state reaches its quota, it closes its directed fishery and it moves to a bycatch fishery; where there is a 6,000 pound per vessel per day trip limit and this is for non-directed fisheries.

The problem or issue we're trying to address in this addendum is that since the bycatch provision is per vessel rather than per individual, it means that two permitted individuals working on the same vessel cannot land up to 12,000 pounds of menhaden bycatch. This has been a problem or a source of inefficiencies, especially in the Chesapeake Bay pound net fishery; where it is common for fishermen to pool resources and crew, and fish from the same vessel.

Some statistics on the bycatch fishery, from 2013 to 2015, bycatch averaged 5.63 million pounds per year; and this represents approximately 1 to 2 percent of coastwide landings, so it is not a vast majority by any means of total landings, but it is still important. By location the Chesapeake Bay accounts for the vast majority of total bycatch landings at 81 percent. Then if we delve deeper into that, the Maryland pound net fishery accounts for about 40 percent of bycatch landings, and the Virginia anchored gillnet fishery about 21 percent. We can also look at the trips that land menhaden bycatch.

From 2013 to 2015, a total of 12,750 trips landed under the bycatch allowance; and about almost 9,000 of those were from stationary gears. Then this table here, this is Table 2 in the addendum, and it might be a little easier to read actually on paper. But what it shows is the percent of trips in each state that were using

stationary gears that landed menhaden bycatch from 2013 to 2015.

The states are in the columns, and we have different pound bins in the rows. The way to interpret this is that for example, Virginia, 71 percent of their stationary gear bycatch trips landed between 1 and 1,000 pounds of menhaden. I have outlined in red some of the boxes under Maryland and the Potomac River Fisheries Commission.

Those are trips that landed in excess of 3,000 pounds. This is really the fishermen that we're targeting in this addendum. If you had two of these fishermen on a vessel and say, they each averaged 4,000 pounds of menhaden per trip; that's 8,000 pounds combined, so they would be over the current 6,000 pound bycatch limit.

Just to summarize, the bycatch landings are largely from the pound net fishery in Maryland and Potomac River Fisheries Commission, and the anchored gillnet fishery in Virginia. The pound net traps are landing menhaden in amounts that would lend to cooperative fishing behavior. However, there are other gears in other jurisdictions that also land menhaden bycatch, and they may also benefit from cooperative fishing.

That is why you'll see in these options, that they include multiple gear types. I'll move into the options now included in the document. As Bob mentioned, there are four. The first one would be status quo, so that is a 6,000 pound per vessel per day bycatch limit. Then B through D, they don't change that status quo; but what they do is add flexibility to it.

The difference between B, C and D is who that flexibility is given to. B is the broadest option, and it says that two authorized individuals working from the same vessel, fishing stationary multispecies gears, are permitted to land up to 12,000 pounds per day. In the addendum we define stationary multispecies gears to include

pound nets, anchored or staked gillnet, fyke nets, and fish traps and fish weirs.

Pots are not included in this, because the PDT felt that pots target a specific species; therefore, they are not a multispecies gear. Option C is very similar to Option B; but it is a bit more narrow in who that flexibility is given to. What it says is that the two authorized individuals have to be in a limited entry fishery; so it is still that stationary, multispecies gears, but operating in a limited entry fishery.

The PDT included this, because they felt that limited entry fisheries are an important management tool, and it restricts the expansion of harvest. Again, pots are not included, because they are not considered a multispecies gear. Then we have Option D; this would allow two authorized individuals fishing pound nets to work together to land up to 12,000 pounds per day. This options gets back to the root of the request from Maryland and Potomac River Fisheries Commission; and this is the option that reflects the data as we see the pound net fisheries are the ones landing menhaden in amounts that lend to cooperative fishing.

PUBLIC COMMENT

MS. WARE: I'll move right into the public comment. We didn't receive too much public comment on this addendum. We had two letters and then we held six public hearings.

The Rhode Island and Maryland public hearings were the only ones with attendees, so I'll be focusing on those today. In terms of the written comments, we had one letter in favor of status quo and one letter in favor of Option B; so that would allow all stationary multispecies gears to work together cooperatively.

The letter in favor of Option A felt that a 12,000 pound bycatch limit, even if it is for two people, is more of a directed fishery rather than an incidental catch. In terms of the public hearings, we had one individual from Rhode

Island who is in favor of Option B. Then we had eight individuals from Maryland who are in favor of Option D.

The reason these fishermen felt that D was the most appropriate option for them is in Maryland, it sounds as though most of the menhaden bycatch is coming from pound nets and then drift gillnets, and since drift gillnets are not a stationary gear, they are not included in this addendum. They felt that pound net option most appropriately reflected the Maryland bycatch fishery.

Many of the fishermen commented that this type of flexibility will be important in insuring economic gains, as well as improved safety in the fishery. Overall, they were in support of adding this provision. Then just some general comments we received: we had a concern that menhaden and other forage fish are becoming harder to find in our estuaries and bays.

We had a comment that the 2009 to 2011 reference years for allocation are not appropriate. We also had a couple comments that the state quotas only last through part of the year, so that the quotas are really too low; and there has been a greater than 20 percent reduction in harvest. I am going to let Jeff present the AP report.

ADVISORY PANEL REPORT

CHAIRMAN BALLOU: Well, first let me just see if there are any questions for Megan. We can always circle back after the other reports. But seeing no hands; we will, indeed, go to Jeff for the AP report. Jeff.

MR. JEFF KAELIN: Good morning, board members. The slide will describe what I'm going to read. We did have a conference call on July 14, the memo that you have in your packet describes who was in attendance. We had four commissioners and five members of the public. We did take up this issue first.

We reviewed the addendum and supported Option C, which allows the two authorized vessels working from the same fishing vessel in stationary multispecies gear, to land up to 12,000 pounds per day. The reason why the two members supported that option as described on the slide is that it would be easier to enforce the allowance if there was a limited access fishery involved.

We had two AP members supporting that option, and one AP member supporting Option D; noting that for some states B, C and D are the same. One other AP member supported an option which insures bycatch allowances can be accurately monitored and easily enforced; with no option selected, and another AP member did not have a preference for an option, Mr. Chairman, so I think that concludes my AP report. I would be happy to take any questions.

LAW ENFORCEMENT COMMITTEE REPORT

CHAIRMAN BALLOU: Thank you, Jeff for that report. Any questions for Jeff on the AP report? Seeing none; I'll go to Mark Robson, our LEC Chair for the LE Committee report.

MR. MARK ROBSON: The LEC provided written comments on an earlier review of this particular addendum, and we provided written comments back in January. We met again in teleconference on July 8th, to consider the addendum again. In reviewing the previous comments we made, where we supported the allowance for the 12,000 pound bycatch for the pound net fishery, the LEC in July reaffirmed its position.

We support Option D, whereby two individuals fishing pound nets could land up to 12,000 pounds from a single vessel in a day. The LEC did not support allowing other types of stationary multispecies gear to be included, as it felt this would introduce some problems with identifying which gear were being legally fished, and in situations where individual fishermen may have multiple gear licenses, it creates some

additional complications for enforcement on the water or at the docks in monitoring this bycatch fishery.

In the previous comments we made, we also had noted that the support for the 12,000 pound bycatch provision was based on some experience from back in 2013, when a similar provision did not seem to result in any issues or problems for enforcement. We again reiterate our support for Option D, limiting it to the pound net fishery.

We also would reaffirm our original recommendation that since this is something that would be sort of a new process on the water; that we actually take a look at this after a year or so to see if there are any unforeseen problems that crop up. The Law Enforcement Committee did not anticipate any, but in case those do arise, we can look at the issue and make recommendations for changes or improvements, as appropriate. That concludes my comments, Mr. Chairman.

CONSIDER FINAL APPROVAL OF ADDENDUM I

CHAIRMAN BALLOU: Any questions for Mark? Seeing none; I will now open the floor to motions from the board. We will need three, and I plan to take them sequentially. The first, frankly, is the biggest one, and that is the preferred option. The second would be the implementation date for whatever option the board decides on, and then lastly, we'll need a final motion on final adoption of the addendum. That third and final motion will be subject to a roll call vote, so at this point I will entertain a motion on the preferred option. Would anyone like to make one? Lynn Fegley.

MS. LYNN FEGLEY: Thank you to the board for your consideration of this action. I want to just preface a motion by reminding everybody that this all started back in 2012, when we were developing Amendment 2 and we were trying to figure out how to deal with these stationary,

multispecies gears that are not necessarily selective for a particular species of fish.

At that time when Maryland put in its implementation plan, we had a plan for this dual bycatch; because of the way that our fisheries operate. It was approved by the Technical Committee, and so we fished in 2013 under this provision. But then it was removed for 2014 and 2015. Now we have data that show that these fish are going to be caught, whether it is a 6,000 pound or a 12,000 pound. The result in Maryland is that the fishermen are at an economic disadvantage; and sometimes they're not safe, because they're having to commission additional vessels, sometimes unsafe vessels, to get to that other net and get that second bycatch.

I also want to remind everybody that we were hoping to do this under a conservation equivalency. We could not do that under the rules of Amendment 2, so hence we have this addendum before us. The Technical Committee reviewed our proposal for the dual bycatch, and they approved it. At that time there was conversation about the impacts of this provision if it were applied to stationary multispecies gears along the coast. I believe at that time what Dr. McNamee said, was the bycatch occurring from these gears along the coast is less than 1 percent.

The stock is not overfished and overfishing is not occurring; and so it will not have a negative impact on the stock. This provision is for one year, until we get to Amendment 3, which I hope we all keep our eyes on that ball. Thank you for indulging me. **I would now like to make the motion to approve Option B, which is working together permitted for all stationary multispecies gears.**

CHAIRMAN BALLOU: **I see Steve Train, would you like to second that motion?**

MR. STEPHEN TRAIN: **Yes, Mr. Chair.**

CHAIRMAN BALLOU: We have a motion moved and seconded, and the motion is to move to approve Addendum 1 with the following option; Option B. Motion by Ms. Fegley and seconded by Mr. Train; discussion on the motion. Dr. Pierce.

DR. DAVID PIERCE: Question for the Law Enforcement Committee, if I may, Mr. Chairman. The Law Enforcement Committee indicated that Option D was their preferred option, as a consequence of their consideration of law enforcement concerns on the water. I would appreciate; I suppose the whole board would appreciate some further comment from the LEC regarding Option B. In other words, is that a definite no go; that will present significant enforcement problems in the opinion of the LEC, or perhaps not? A little more LEC perspective on that option would be appreciated.

MR. ROBSON: I will do my best to recall the conversations during the teleconference call. I don't know if Megan can recall any of the discussions, too, as far as the specific concerns. I guess the primary issue was one of officers dealing with and sorting out two fishermen who may have multi-gear permits.

I don't know whether it would be a factor in Chesapeake Bay, if you had fishermen coming from Virginia or back and forth from Maryland to Virginia. But it seemed that the discussion was based on the complication of sorting out if multi-gear operations are in place, whether everything is in order from a permitting standpoint; and whether those gears beyond pound net gear are being fished legally. I am sorry that I can't recall more specific discussions than that, Dr. Pierce. Megan, I don't know if you could recall or not.

MS. WARE: I think the discussion was mostly that the pound net provision had been in place in 2013, and so they felt confident that that would be successful, since it was in 2013. Then there was concern that if two fishermen were

fishing different types of gear but working cooperatively, and one of them had this provision and one didn't; there were questions about enforcement or potential for loopholes, I'll say, in that sense.

MR. RUSS ALLEN: I'm definitely in support of this motion. I probably would have liked to have seen Option C, but I'll take Option B. It really will help our fishermen. That said, on the law enforcement issue, I'm not really sure what the issue would be if you're bringing in fish from a drift gillnet or a staked and anchored gillnet.

They are so limited in the number of fishermen that are actually doing that; and we all know what gears they're using at the time they are catching this bycatch. I think the law enforcement issue is very slight, when compared to overall harvest of menhaden; to say that. I am happy to see this option make it up there, and we're definitely in support of that; so thank you.

MR. DAVID G. SIMPSON: I'm certainly in support of the idea. I am a little bit concerned about not limiting this to limited access fisheries, and that this could proliferate. Also, going beyond pound nets makes me a little bit concerned with gillnets and associated issues and the law enforcement concerns. I don't think I'll make a counter motion or amendment; but I just express that reservation and see if there is a broader feeling along those lines on the board.

MR. ROB O'REILLY: I support this motion. I can appreciate the advisory panel comments on Option C, and in Virginia, we do have limited entry; in terms of we have two types of gillnet licenses, Class A, which is limited, but we have Class B, which is open to those who can't have the same sort of privileges that a Class A can have in terms of length of net, for example, and location.

I think it does promote efficiency. I don't expect that there will be a lot of

companionship, as far as two licensees with the gillnet fishery; but there will be some. There are also younger people moving up, which is why I think with nine limited entry fisheries in Virginia, overall I think the idea to give younger people a chance to apprenticeship, by way of working with someone, is a benefit. For that reason rather than C, Option B is the right option.

CHAIRMAN BALLOU: Then I will be coming back to you, but first I want to give other members of the board a chance to weigh in, and next I have Terry Stockwell.

MR. STOCKWELL: I speak in support of the motion on the board. As our report under other business, Maine has had an interesting summer. Alternatives such as this would provide additional flexibility to the state of Maine, and the other states that intend to use the episodic quota.

CHAIRMAN BALLOU: I'll go back to Lynn, I'm sorry, Marty Gary.

MR. MARTIN GARY: PRC supports this motion as well for near identical reasons that Maryland made the motion; for safety reasons, for efficiency and flexibility.

CHAIRMAN BALLOU: I'll go back to Lynn at this point, oh Lynn's fine; any other comments on the motion? I am now going to move from the board to a brief opportunity for public comment. The matter, I would note, has gone through formal public comment, so while I'm willing to allow additional input at this time; that input must be brief, focused specifically and solely on the motion before the board, and it would really not be appropriate to repeat comments already provided on the record. With those caveats, is there anyone from the public with a burning desire to provide additional comment?

I hope I talked you out of it, and it looks like I did. With that, we will now come back to the

board and I will afford a 30 second caucus, and then we will vote on this motion. Okay, ready for the vote? All in favor, please raise your hand. You can put your hands down. All opposed, like sign, any null votes, any abstentions? **The motion carries unanimously;** thank you. The next item to be decided is the implementation date, and I'm just going to have Megan tee that up for us.

MS. WARE: At this point we just need to decide a deadline of when states have to implement this provision. A state can implement it as quickly as they like. However, we just want to set a date by which everyone must implement it. It is usually helpful for states that are concerned about the timeline to speak up at this point.

CHAIRMAN BALLOU: For any state with such a concern, would anyone like to make a motion regarding the implementation date for this new adjustment to the bycatch provision?

MS. FEGLEY: **I would move in this option that Addendum 1 be implemented as soon as a state can do so under its authority.**

CHAIRMAN BALLOU: I'm going to look to staff, is that an appropriate motion as far as an implementation date or do we need a date specific?

EXECUTIVE DIRECTOR ROBERT E. BEAL: It's better to have date specific, Mr. Chairman. However, since this is providing the states with essentially additional fishing opportunities, the effective date really is the date that the states are allowed to initiate processes to implement these regulations. This is kind of the opposite of some of our plans, where we're not implementing a more restrictive season or size limit of something else.

If you made the effective date essentially tomorrow; that means the states are allowed to start utilizing the provisions of the 6,000/12,000 pound trip limits effective tomorrow. Then the

states have to work through their processes to implement those regulations. I think, in this instance, where the board is affording states more flexibility, timing is not as critical. But a date certain would be nice.

CHAIRMAN BALLOU: Lynn, do you want to perhaps clarify that motion?

MS. FEGLEY: Sure, I can try. I guess I didn't want to presume what other states authorities are. For Maryland we have the authority to implement immediately, so maybe given what Mr. Beal said the implementation date would be August 15th, and that means that states can implement any time after that right, they don't have to have it in place by then, they can implement.

CHAIRMAN BALLOU: That sounds reasonable.

MS. FEGLEY: August 15th.

CHAIRMAN BALLOU: Okay, so Lynn Fegley moves to enact an implementation date of August 15th. Is there a second to that? Marty Gary is the second. Of course, this would be pursuant to all other existing provisions that are already on the books. This would just enable a state to adjust its bycatch provision. We have a motion regarding the implementation date, discussion on that motion; Jim Gilmore.

MR. JAMES GILMORE, JR.: I just want to clarify that see we can do it quickly too, but under emergency provisions, which they prefer to really save for emergencies; and this one is not. Our normal rulemaking process takes three to six months to do something like this. If we began this immediately, does that still satisfy the implementation timeline?

CHAIRMAN BALLOU: I'm sorry; you're asking if you begin your rulemaking immediately? Yes, I think the answer is that if any state wishes to move forward to enact this new provision, they can do so, provided that it does not become effective prior to August 15th. Does anyone on

the board have a different take on what I just said, in terms of what this would mean?

Seeing not; that is my interpretation of what the motion says. With that; is there any further discussion on the motion? Seeing none; is the board ready to vote? Is there any need to caucus? I'm assuming there may not be. I am going to look for a show of hands on the motion. All in favor, please raise your hand.

Thank you, hands down. All opposed, any null votes, any abstentions? **Seeing none; the motion carries unanimously** and we lastly just need a final motion on final adoption of Addendum 1 to Amendment 2 as specified by the board today. That would in essence be what the motion should read, or how it should read. Would anyone like to make that motion?

MR. WILLIAM ADLER: **I'll so move to approve the addendum.**

CHAIRMAN BALLOU: We have it up on the board, Bill.

MR. ADLER: Okay yes, well that is one of those things. I want that.

CHAIRMAN BALLOU: At least we had it. I thought we had it. I'm sorry; I might have jumped the gun. I looked up and saw language that looked to me like exactly what we were needing. But I think I know you well enough to know that you're going to defer to staff on this, so I think staff is putting up the motion as we speak.

There it is; move to approve Addendum I as modified today. It couldn't be simpler. Moved by Bill Adler, is there a second? There is a second by Emerson Hasbrouck. We've had a good discussion on this, so I'm just going to assume we're ready to vote. It is a final action, so we do need a roll call vote; so I'll be asking Megan to call the roll now.

MS. WARE: Maine.

MR. STOCKWELL: Yes.

DR. MICHELLE DUVAL: Yes.

MS. WARE: New Hampshire.

MS. WARE: South Carolina.

MS. CHERI PATTERSON: Yes.

DR. MALCOLM RHODES: Yes.

MS. WARE: Massachusetts.

MS. WARE: Georgia.

DR. PIERCE: Yes.

MR. PAT GEER: Yes.

MS. WARE: Rhode Island.

MS. WARE: Florida.

MR. ERIC REID: Yes.

MR. JIM ESTES: Yes.

MS. WARE: Connecticut.

MS. WARE: NMFS.

MR. SIMPSON: Yes.

MR. DEREK ORNER: Yes.

MS. WARE: New York.

MS. WARE: Fish and Wildlife.

MR. GILMORE: Yes.

MS. SHERRY WHITE: Yes.

MS. WARE: New Jersey.

CHAIRMAN BALLOU: **Thank you, the motion carries unanimously;** and we did a great job with that in terms of keeping on time.

MR. ALLEN: Yes.

**SET ATLANTIC MENHADEN FISHERIES
SPECIFICATIONS FOR 2017**

MS. WARE: Pennsylvania.

CHAIRMAN BALLOU: Let's see if we can continue that with our next item, and that next item is Fisheries Specifications for 2017. This is a final action item. We have one hour set aside for what I anticipate will be a robust discussion and decision on the issue.

MR. ANDY SHIELS: Yes.

MS. WARE: Delaware.

MR. JOHN CLARK: Yes.

MS. WARE: Maryland.

MS. FEGLEY: Yes.

In terms of how we'll proceed, I will be first going to Megan for a staff presentation, then to Jason McNamee for the TC report, and then to Jeff Kaelin for the AP report. After addressing any questions the board may have for Megan, Jason or Jeff, I will be providing an opportunity for public comment. I will do so at that point. Then I will come back to the board for motions. That is how I plan to proceed, and with that I'll turn things over to Megan.

MS. WARE: Potomac River.

MR. GARY: Yes.

MS. WARE: Virginia.

MR. O'REILLY: Yes.

MS. WARE: North Carolina.

OVERVIEW OF SPECIFICATION PROCESS

MS. WARE: I am just going to be very brief, but my goal here is to help provide context to this discussion; since we don't have a formal recommendation on this. In Amendment 2, the board can set an annual or multiyear TAC through board action. This is supposed to be based on the best available science, which will be the projections that Jay will be showing momentarily. In the TC memo there is no recommendation from the TC.

I think our discussion today is going to be focused on risk and what level of risk the board is willing to accept when setting the TAC. We have a Risk and Uncertainty Working Group that is starting to think about these issues, but they have not completed that process yet. My goal is just to get everyone on the same page as to what risk is, and look back and see what risk the board assumed in 2015. Going off of the definition here; risk is a chance of adverse effects from deviations from expectations.

This is stemming from variability and uncertainty, which is very prevalent in fisheries management, and what makes our job exciting and also challenging. We have different sources of uncertainty, and many of these are coming from some of the thoughts that the Risk and Uncertainty Working Group is thinking about now. But we have biological uncertainty, so there are changes in recruitment, species interactions. We have management uncertainty, so either illegal or unreported catch; if bycatch goes over what we think. Scientific uncertainty is if we have incomplete data or imperfections in the model, and then ecological uncertainty; so changing ocean temperatures, phytoplankton abundance. All of these things influence the uncertainty and the risk that are within the menhaden fishery.

We can look at the board decision in 2015 to kind of gauge where we were last time, and hopefully, this will inform the discussion today. In 2015 the board decided on the 10 percent

increase in the TAC, and it is in between two of the projection runs; and I've outlined those in red on the slide. The top chart is the percent risk of exceeding the F target, and the bottom chart is the percent risk of exceeding the F threshold.

In 2015, the board assumed between a 57 and 62 percent chance of exceeding the F target, and then in 2016 that decreased to 28 percent, between 28 percent and 35.5 percent. In terms of exceeding the F threshold, the board assumed a 2 percent risk in 2015 and a 0 percent risk in 2016. I am hoping that this is brief but informative as to what happened last time, and can provide some context; and I'll pass it off to Jay.

CHAIRMAN BALLOU: Jason, actually before you begin, I just want to interject briefly here. I think you have a slide at the end of your presentation synced with the TC report, which is in the meeting materials; that addresses the TCs comments on the paper titled The Fate of a Atlantic Menhaden Year Class.

Because that paper does not relate directly to the issue of 2017 specs, I would like to just hold off a bit on that until the board gets through the spec setting process; then immediately circle back to it. If you could just hit the pause button maybe when you get to that point in your presentation, we will come back to it after we complete the spec setting process.

TECHNICAL COMMITTEE REPORT

MR. JASON McNAMEE: I think Megan may have actually moved it to make that flow a little better, so we should be all set. My name is Jason McNamee; I work for the Rhode Island Division of Marine Fisheries, Chair of the Menhaden Technical Committee. I've got a brief presentation here where I'll walk through some of the projections, some of the numbers; so you kind of understand the playing field a little better, and we'll get into some risk and uncertainty discussion, as well.

A little bit about the projection set up, just to catch you back up. At your last meeting the board approved using the Beaufort Assessment Model; this is the approved menhaden model; the BAM model is how we commonly refer to it. We followed the projection methodology that we had detailed during the last benchmark stock assessment in 2015.

A couple of the assumptions that go into these projections, and these are sort of standard assumptions for a lot of species that you all deal with when you're talking about projections. But some of the assumptions are, there are a lot of functional forms used to describe population dynamics; so these are curves to describe selectivity and things like that.

Dome-shaped selectivity would be an example of that. One of the other big assumptions is that median recruitment over time is what we are assuming as we kind of tick forward in the projections. Another one is that the allocation stays the same between bait and reduction; so when we project forward, we're assuming that things are staying relatively stable with regard to which fishery is operating on the population. The biggest impact has to do with the selectivity that we're applying. We also assume that fishing mortality occurs throughout the year. One of the things that you approved is updating the catch input, so we had some data available to us that we didn't have when we ran the projections after the benchmark.

We used actual landings for catch input in 2014 and 2015. The numbers are up there. Then we assumed that the entire TAC is taken in 2016, sort of a standard assumption when you are in the middle of a fishing year and you're not sure what happened yet. I think that may say 187,800; it should say 187,880, sorry about that.

The projection timeframe, 2017 is the terminal year of the projection. The reason for that is in particular, with a species like menhaden, you don't like to project out so far that you lose all

of the existing data points, so 2017 we still have some information that came out of the terminal year of the stock assessment that is informing the projections.

Just to give you a quick look at current stock status. Here is the mean F for ages 2-4, so that is on the Y axis, and then the X axis on this graph is year going up in year from left to right. You can see both the threshold and the target; indicated with the straight lines that are on there. You can see our mean F is below both the target and the threshold in the terminal year of the stock assessment.

At the same time, when we're looking at biomass, in the case of menhaden we're talking about fecundity; a little bit different there. The Y axis is fecundity increasing as you go up the Y axis. Again year along the bottom, again target and threshold are noted on the graph in the multicolored straight lines there.

You can see that fecundity in the terminal year is a little bit below the target, but kind of bouncing right around that target at the top of the chart there. At the last board meeting, you all provided us some very good guidance, as far as what you wanted to see. I think there are a total of; I think it is nine runs that we performed all together. I'm sorry if I got that wrong. But there are several runs that you asked for.

We broke them on to two slides so that you could actually read them. This first slide sort of indicates the first run there. Number 1 is just status quo; if we just rolled forward with the current TAC as specified. Then Runs 2-5 are different increases to that current TAC. It goes from 5, 10, 20 up to 30 percent, so you can see both the percentage increase as well as the specified TAC that that represents on this slide.

There are tables and stuff that we'll kind of hang on at the end so you don't have to memorize this stuff at this point. Hey, it was right, nine runs all together; so 6, 7, 8 and 9; so Number 6 is actually another increase. That is a

40 percent increase from the current TAC. Then 7, 8, and 9 these are based on risk. These are your risks or the probability rather of being below the F target in 2017.

You can see that probability increases as you go 7, 8 and 9; and you'll get a better look at what those numbers represent as we continue through our presentation here. Here is the first table. I took all of the increase, just the proportional increases to the current TAC. I put those on a single slide. Number 1 is the status quo, current TAC, and then 5, 10, 20, 30 and 40 percent increases to the current TAC. The second column over in this table is what that TAC would be, as calculated. Then the next column over, risk of exceeding the F target, so this would be with relation to fishing mortality and it would be the risk that you have of going over; getting into a stock status. But we're talking about the target here and not the threshold with this first column.

Not surprisingly, as you increase your harvest, the risk of exceeding the target increases. The final column, all the way on the right, that is your risk of exceeding the F threshold, so between target and threshold is the area that you want to be in; managing toward the target, but the threshold sort of bounds where you are.

You can see none of these has a risk, according to the projections, of exceeding the threshold. The next table, these are now the ones that are based on risk. Again, you can see the TACs associated with those different probabilities of being below the F target. Those numbers are reciprocal of each other.

Maybe that was sort of confusing, we apologize for that; sort of talking about it in two ways. But again, the middle column there just to the right of TAC, that is risk of exceeding the F target, and you can see that sort of corresponds with how we kind of set the projection. But again, in none of these runs is there a risk of exceeding the F threshold.

This has an animation on it that we'll kind of click through. Megan did a nice job of talking a little bit about risk and uncertainty; and I'll give it another shot. We've already talked a little bit about risk in the tables. Those are sort of noted by those proportions that I just kind of stepped through. Another way that this is represented to you all in the Technical Committee memos, with these plots that had all kinds of lines on them.

We wanted to just highlight, when you're looking at that stuff so it's not confusing, we wanted to talk about it a little bit. The projections are highly uncertain; I said that probably a thousand times already. The uncertainty, it is captured in the tables as I mentioned, and again in these figures. What we're representing first, to kind of orient you to these, there are four plots up there and I'm not expecting you to be able to read them.

They are in your memo; I'm just trying to give you a little more guidance as to what you're looking at when you're looking at the memo. Top left is the projection of fecundity. This is your biomass proxy. Just to the right of that is recruits. Bottom left is fishing mortality, and then the bottom right is the landings that are calculated by the projections.

There are these sorts of symmetrical lines, so the colored lines again represent the target and the threshold. Then you've got these solid and hashed lines that are kind of curve like, I guess. The first one, the one right in the middle there with kind of the big dashes that is the 50th percentile, so when we run these projections, we run it with certain types of uncertainty accounted for.

We do what we call a bootstrap, so we kind of run these with different starting inputs, and then do a projection run and then do it again and do it again. It is pretty amazing with the power of our computers now, we can do that pretty rapidly. Guessing there is probably about a thousand bootstraps. I can't remember

exactly how many Amy did. But the one in the middle that is the middle of all of those, we'll just call it 1,000 runs. The next line is kind of the dotted lines there. That now bounds all of the different runs by the 25th and 75th percentiles.

What we're trying to do is show you that you can get a lot of different answers from the projections, and you can look at where the majority of those projection runs fall, and that gives you a sense of judgment of how much risk there is involved with picking any specific point in any given year.

Then the final solid lines here are the 95th and 5th percentiles. Hopefully, that helped a little and wasn't more confusing. All right, caveats, I said this to you before. We think it is important to highlight again. We ran these projections. One important thing, we put a lot of uncertainty into it. But one type of uncertainty that we've not accounted for is structural, or what they call model uncertainty.

It is important to understand that these projections are accounting for uncertainty; but a very specific type of uncertainty. Again, they are conditional on functional forms, selectivity, recruitment, things like that are kind of based on history and things like that. They are not based on actual data but on modeled representations of reality.

Again, the fisheries were assumed to continue at current proportions of allocation between bait and reduction; using current selectivities, so if new management regulations that alter these that would affect the projection results. If that were to change, our projections become less reliable. If future recruitment is characterized by runs of large or small year classes, like a number of years in a row that are below average; that would affect stock trajectories, things like that.

I think this is the final caveat. The projections apply the Baranov Catch Equation, and the

important assumption associated with that is that mortality occurs throughout the year. If you were to put in seasonal closures or something like that, that affects that assumption and can change the projections. That is it on that, Mr. Chairman. I am happy to take any questions on the projections.

CHAIRMAN BALLOU: Excellent report, and I will take questions now for Jason. Again, I want to just note that it is question time, not comment, opinion, position time. Please, we will be getting to that; but for now any questions for Jason on his presentation?

MR. SIMPSON: Very helpful presentation, as usual. I note that the projection starts in 2014, goes out to '17, it appears the error bars are a little wider in '14, a little narrower in '17; seem to be. I am wondering actually, is this through 2013 data and you're actually projecting '14? Where does the projection start; would be my first question.

MR. McNAMEE: Good call, David, and yes, that is absolutely true. The terminal year of the stock assessment is 2013, so the first year of projection is 2014. I think you're correct, depending on which metric you're looking at, they do kind of condense as you get out in the projection; and I think a lot of that is because of the recruitment.

The very reason why I made the comment about keeping at least one cohort, you can think of it that way, in there that we actually saw in 2013. Keeping one cohort in the projections, because as you get further and further out, everything becomes projection model assumed, and so the uncertainty decreases.

MR. SIMPSON: To follow on that then. Given the comparatively short lifespan, or number of ages in the menhaden population now, it seems maybe in the neighborhood of 80 percent of the population is being projected out. In other words, this is largely a projection of not the stock with some adjustments, but the stock that

will be assuming recruitment. It is perhaps 80 percent dependent upon an assumption of recruitment, and not simply adding a couple of years to a very broad age structure type of species.

MR. McNAMEE: Yes, I will say, I am not sure I would necessarily -- just because I'm uncomfortable with that 80 percent number you threw out. I take your point that you were just kind of offering something in a relative sense. I think what you said is accurate. Menhaden, as we see them now, they do get out to 4, 5 and 6.

But we don't see very many of them as it stands now, and so that is correct. That is why we suggest not projecting beyond 2017, because it becomes much more uncertain at that point; because everything becomes contingent on these functional forms and this sampling from the median recruitment and that sort of stuff.

MR. O'REILLY: This is along the lines in some way of what David was just asking about. Jay, what you said was projections are highly uncertain; then we have five uncertainties that you covered. I'm wondering if that is any different than say, if you worked with other species, could you sort of indicate whether these uncertainties are much different?

Is this sort of typical for running projections? Then the other part of that is, having an endpoint of 2017, so having a narrow band of the projections. How does that sort of mitigate any problems with uncertainties, and then later on when we talk about this risk?

MR. McNAMEE: I think the answer is, or maybe you weren't looking for a yes or no answer. I think what you said is accurate in that the shorter projection mitigates the uncertainty to some degree. I think that comment is accurate. Then the other aspect is, is this wildly different from other species; and the answer to that is no.

All of these assumptions when you're projecting forward, these are statistical models, so a lot of the species that we deal with at the commission are modeled with statistical models. You should be fairly familiar with these assumptions and the uncertainties associated with them; because they are fairly common across species.

Each species has the risk associated with those various assumptions. It may change on which assumption is more important for any particular species, but in general, there is nothing unique about the uncertainties with these projections that is specific to menhaden.

MR. EMERSON HASBROUCK: I have two questions for Jason. One is, you had mentioned how the model uses median recruitment over time. I'm just wondering what that timeline is, how far back did you look to use the median recruitment? That is the first question.

MR. McNAMEE: I think you can check me on this, because I think it's in the memo, and I get conflated a little bit with all of the different species that I work with. I'm pretty sure we use the entire time series for menhaden; and so it is the median with uncertainty based on the entire recruitment time series for menhaden.

MR. HASBROUCK: My second question is, on some of the parameters as you pointed out; it is quite a difference between the 25th percentile and the 75th percentile. On the output, in terms of 1percent risk of exceeding F target, is there a statistical significance? Is there a significant difference between some of those projections? I would guess, for instance, there is a significant difference between status quo and a 40 percent increase. But is there really any statistical difference between a 5 percent and a 10 percent or a 10 percent and a 20 percent increase, for instance?

MR. McNAMEE: That is a tricky answer. I think the way to think about it, this was a really healthy discussion at the Technical Committee meeting; specifically about these plots, the

uncertainty plots and the uncertainty bounds that we were representing. The way that these are performed, it is not necessarily probabilistic, where you could determine statistics based on it.

I think the better way to think about it is, all of these various runs are all plausible. The median kind of hits the middle, but that doesn't mean that that is the most likely scenario. What it means is that is the middle of all the scenarios, and then as you spread out from that central value, you are just bounding; more of the runs fall within this range, and so you can have a level of comfort.

Whatever your level of comfort is, whether you are okay being in that 25th, 75th; that is a lot of the thousand runs, and so I'm comfortable with those, or if you want to be really certain, I want all but 5 percent to be within the range that I'm comfortable with. That is kind of the way you can think about it. They are all plausible, each of those individual runs; and you can just sort of bound the upper and the lower range of your comfort level with the risk you're willing to accept.

MR. JOHN McMURRAY: Regarding the projections in the level of uncertainty, was there any accounting for predator/prey interactions in that?

MR. McNAMEE: Good question. Predator/prey interactions specifically, the answer is no. There is natural mortality assumption in there, and so natural mortality is, not to demean it, but sort of a catch all that is supposed to account for predation. All of the removals that are not attributed to fishing, so natural mortality is in there; specifically, predator/prey interactions, the answer is no.

MR. McMURRAY: Just for clarification; that M2 value really just accounts for predator impacts on prey, and not the impacts a reduced amount of prey would have on predators, correct?

MR. McNAMEE: Traditionally, the definition of M2, I think what you've said is correct. We do not partition natural mortality. There is a single M, so it is not partitioned into M1 and M2 for the projections or the model for the BAM model for that matter.

CHAIRMAN BALLOU: Next I have Bill Goldsborough.

MR. WILLIAM J. GOLDSBOROUGH: I think my question was asked, but maybe I'll just boil it down and ask it anyway; and that is just for clarification, Jason that the projections are based on the last assessment and the reference points in the assessment, correct?

MR. McNAMEE: That's correct.

MR. ADAM NOWALSKY: You've been doing these projections for a long time on many different species. Can you let us know when the last time every run you did for a species generated a 0 percent chance of overfishing; and what was your last recollection of a management body taking management action on 0 percent risk of overfishing?

MR. McNAMEE: Yes, I think the answer is I don't know that I've ever experienced that personally. I think it is a good observation, sort of unique in this situation with menhaden, relative to other species that I've dealt with, which I think the ASMFC has dealt with.

CHAIRMAN BALLOU: Any other questions loaded or unloaded. Seeing none; there will obviously be more time to circle back to this; but at this point, I'm going to turn it over to Jeff Kaelin for the AP report.

ADVISORY PANEL REPORT

MR. KAELIN: Again, you've got the drafted report in front of you. The point I didn't make earlier, we only had 5 of 15 AP members on this call; and that is why later in the agenda the board will have an opportunity to discuss

repopulating the AP. However, two AP members advised that the board maintain the current TAC; 188,000 metric tons, until Amendment 3 is completed and implemented in 2018.

They stated the purpose of the amendment is to reallocate menhaden between states and the ecosystem. To change the TAC before this time would be premature, given ecological reference points are being developed, and there is an ongoing socioeconomic study on the commercial fishery. Furthermore they expressed concern that the projections are based on the current single species reference points, and therefore do not consider the impact of an increased TAC on predators.

Overall, these AP members recommended the board maintain the status quo TAC until the ecological and socioeconomic implications of an increase can be fully understood. I believe that the BERP process is supposed to be completed by 2018 or 2019. Two AP members recommended the board increase the TAC to a level that has a 50 percent probability of being below the F target in 2017, which is a 267,500 metric ton target.

They felt that the resource is under fished since there is a high abundance of juvenile fish in the bays and estuaries, and many states directed fisheries are already closed. As a result they felt the risks associated with a 50 percent probability of exceeding the F target is well within the sustainable limits of the menhaden fishery.

These members also stated the recent stock assessment was robust and considering predator needs, and they were not concerned the projections are based on single species reference points. Furthermore, they stated that Amendment 3 will primarily focus on allocation, and as a result there is no need to hold off in a decision regarding an increase to the coastwide TAC.

One AP member felt that a 40 percent increase in the coastwide TAC was too large; but didn't provide specific detail on what level of TAC he preferred. Mr. Chairman, I'm in receipt of the memo that basically says if I want to make any further comments I should go to the microphone. I'm not going to do that in the interest of time, because I think it's pretty clear to the board members that I was one of the two AP members that recommended an increase; so I won't take any more of your time on that.

CHAIRMAN BALLOU: Questions for Jeff on the AP report.

MR. NOWALSKY: Mr. McMurray asked a question about the accommodations within the projections for predation. Then we have the comment in the AP report that some AP members felt the recent stock assessment was robust in considering predator needs. Can you refresh us what those considerations might have been in the last stock assessment that is going into the decisions that we're deliberating on today? Assuming that is an accurate statement from the AP, and that might be for staff or somebody to answer as well.

MR. KAELIN: I guess I'll turn it over to Jason, but my understanding is that this M vector that has been generated in the BAM model is to the extent that data is available, does try to project predator needs, and that the human predators get the remainder. It is our view in the industry that even though the BERP process hasn't been completed and we don't know what the impact on the predators are, whether they're all healthy or whether there is an impact from menhaden or not.

We pointed out that that process isn't completed until 2018 or 2019. As you pointed out, this is a very unique situation, where all the options in front of the board are all about eliminating under fishing and we're nowhere near overfishing. I think that the industry people on the call feel that the BAM assessment model, to the extent that the data exists,

project predator needs adequately. I don't know if Jason wants to fill in the blanks on the M vector or not; but thank you for the question, Adam.

MR. McNAMEE: Yes just a comment. Maybe I'll speak about the robustness. In the assessment, so just to be very clear; M is not explicitly about predation, M is about predation and old age and environmental mortality. All of that is captured in M, so it is more than just predation; it goes in as a single value by age.

We did test some uncertainties. Specifically, one of the sensitivity runs we did in the assessment was to use the variability from the multispecies, the MSVPA model that exists that we updated with the last benchmark. That creates an age and time specific natural mortality matrix; and so we use the variability in that matrix, the variability not the values, and ran sensitivity based on that variability. You can make a judgment as to the robustness, but it was certainly a sensitivity that we tested in the assessment.

CHAIRMAN BALLOU: Any other questions for Jeff? Seeing none; I am now going to provide an opportunity for public comment. We have a public comment microphone in the back corner, so if you have an interest, please head that way. I ask for your indulgence in three ways; first, please focus your comments on any of the nine options that are before the board on this issue.

Please be as concise as possible, and by that I mean three minutes or less, and lastly, please refrain from repeating any points made by anyone who may have preceded you. That is in the interest of trying to keep this meeting moving along. With that is there anyone from the public who would like to address the board? Yes, Patrick, and please even if I know who you are and am good in saying your name correctly, please identify yourself before you speak, thank you.

MR. PATRICK PAQUETTE: Patrick Paquette; I am a recreational angler and stakeholder representative from the Commonwealth of Massachusetts. I am very happy today to come to you singing a different song than I normally do when it comes to menhaden, because in the first time in over 15 years, the southern waters of Massachusetts are chock-a-block full of menhaden. From an area called the Golf Balls, or basically for the line where the Mid-Atlantic Bight of the western North Atlantic Ocean meets, where the Mid-Atlantic and the North Atlantic meet at Ray's Point; south of that our waters are filled with menhaden.

Striped bass have come in from the deep waters and we're experiencing some of the best inshore fishing that we have in a decade on the back side, to the point that in the last two weeks, members of the Massachusetts Beach Buggy Association, the beach buggy crowd tends to be an older crowd now. Younger people don't go to the beach that way anymore, because the fishing has been quite frankly horrible for years.

But shore fishing is rejuvenated, 65 year old women and 75 year old men are posting pictures on social media of 35 pound striped bass caught off of Nauset Beach, where the world record once came from. It is like our ecosystem is rejuvenated; and oh by the way in all of these posts, not one complaint about seals.

There is enough forage on the back side of the Cape for the first time in a couple of decades; that we're not complaining about seals. That is what you folks did in Amendment 2. You put a quota on menhaden, and for the last four years we have watched incremental recapture of the stocks range to the north.

We watched last year as that wall of menhaden came all the way up to Narragansett Bay. The year before they flooded the Sound, we've got the luxurious problem of New York having to hire commercial fishermen to empty out a river

to avoid a fish kill. The people in Massachusetts Bay haven't yet experienced that.

This wall of menhaden reaches Ray's Point, and it hasn't quite gone that much farther. Yes, there is an episodic event going on in Maine, but in Gloucester where there used to be a plant for menhaden, they haven't seen it yet. In Boston Harbor off of Duxbury and that part of Massachusetts Bay that is next year.

I'm pretty sure it's next year, because I believe in what I've watched for the last four years. The northern end of this range is starting to get fish back. If this were river herring, the TC and the scientific heavyweights around this board would be talking about letting the species have one full generation of recovery throughout the range, before we started to put precautionary regulations on increasing harvest.

I agree there is a harvest increase coming. I'll agree with that. I believe that Massachusetts commercial fishermen should be selling bait to the Massachusetts tackle shops that I represent. I believe that the Rhode Island bait fleet needs more bait, because they have fish. But I think you only do that when the range has been recaptured, and you do that while you do ecological reference points in Amendment 3.

That is the time for the increase. You say, and I understand, Mr. Chair, you need me to be done. Just this last point, the industry said through the last AP meeting that they want stable regulations. To increase today and then in Amendment 3, after the next stock assessment in what two years, to be talking about some sort of ecological reference points with an allocation redone. There is going to be changes. Why would we do a short term thing right now for one year, when for most states it is going to be like less than 1 percent? It makes no sense for us to do the increase now. There is an increase coming, it should be done when Amendment 3 goes on the water, with ERPs and a reallocation; and that we set how this fishery is going to be managed into the future.

This seems just like short sighted and a little bit, I don't want to say greed, but it is premature. Like we've got something really good going on with menhaden, and oh by the way, wouldn't it be nice for the ASMFC to have a flag beside striped bass to be proud of? You've got that opportunity right now.

We are so close; we are so close if you continue to do this right. You've done some courageous things that are finally paying off, and I get to come here and not complain about menhaden, and I love that and I thank you for that, and my angler's thank you for that. But let's just finish it. Let's let the rest of them have the fish, too. Thank you.

MR. TERRY GIBSON: My name is Terry Gibson; I'm from Florida. I'm an erstwhile charter captain and outdoor writer. A couple profound things happened this year. I got my first set of reading glasses, and I had my first baby in the same year. It gave me pause. I've been thinking about how long I've been trying to bring menhaden back.

I saw, as a child in the eighties, massive shoals of menhaden off southeastern Florida off of Stuart. Until a couple years ago, until 2012 when you actually took some dramatic steps to rebuild this population, I seriously doubted if any offspring of mine, if I ever had them, would actually get to see menhaden in our waters again.

They are certainly not there now, and to echo what Patrick Paquette just said, we've got to bring these things back to the full extent of their historic range; that is from Maine to Florida, not from the south side of the Cape to North Carolina, although there are a few fish off of South Carolina and Georgia and Florida.

But the kids that now think that there are huge schools of menhaden off of northeast Florida can basically net those schools up with one or two throws of the 12 foot net. I mean, the baseline shift here is so profound, and I just

don't feel like the science is reflecting that. It really, really angers me that you all are sitting here considering an increase, when you've got more information coming in a year or so.

In all these models, biological reference points that are coming and that have been used elsewhere in the world successfully; and we're talking about increasing, taking away from future generations and not rebuilding fish in places that are in as much trouble as Florida is right now. I don't know if you all pay attention to what has happened to our estuaries, but they've collapsed; and this is not reflection on our Florida Fish and Wildlife Conservation Commission. They don't manage water quality.

I was talking to Jim Estes the other day, yesterday about this, and saying that some of our bait guy's landings are pretty steady. Well, that doesn't really show me fish on the water that shows how good of a fisherman they are. That is CPUE, that information isn't that valuable. I can tell you where they aren't, where it is physically impossible to catch them, and that is the southern extent of their range. I can tell you that fish captains throughout the southern states are struggling to catch the bait they need; because they haven't come back there yet.

We need to bring these fish back, everybody deserves them, so please do not make any changes in the allocation right now; let's be patient.

CHAIRMAN BALLOU: Would anyone else like to speak?

MR. BEN LANDRY: My name is Ben Landry; I'm with Omega Protein. I have spoken to a number of you all before. I think what this boils down to for me and for the people that I work with is the fundamental fairness of this species trying to be treated the same as other species. I've sat around this commission for a number of years seeing stocks of other species that have been far more troubled and the call from other

groups are to delay; don't impose cuts, or let's wait until another assessment.

You have the exact opposite with this species. You have perhaps the most comprehensive assessment that was released just 18 months ago, showing that the stock is not overfished. Overfishing is not occurring. The TC runs these projection models on what would occur to the stock if different increases be put into place, and it shows such a little risk of even reaching the target in zero risk of overfishing the stock.

I hear from some commissioners, well that is not enough for me. Zero percent likelihood of not overfishing the stock is not enough. I don't know what that commissioner needs to be convinced that this is a robust stock; it is expanding in its range. That is of no debate. We spent the earlier part of the morning working on provisions in Addendum III to help fishermen navigate the regulatory process.

You could help fishermen very easily by increasing this quota right now with very little risk of reaching the target; no risk of overfishing the stock. The time is now. I don't know, I can't count on there being a future time where we have this discussion. There is very little risk now. I would suggest that 20 or 30 percent increases are still being very reasonable to protect this stock.

Secondly, I hear from a lot of commissioners that my allocation is low, an increase won't help my fishermen. I couldn't disagree more. Is it the allocation that you want; perhaps not. But there is not a fisherman here that would turn down a 20 or 30 percent increase to their bottom line. You're just kidding yourself if you think that you're the one protecting your fishermen. That fisherman wants access to more fish, and you could do so with little risk. I thank you for your time, and I appreciate your deliberations.

MR. DAVID SIKORSKI: My name is David Sikorski; I am the Government Relations

Chairman for CCA Maryland, and I am also a Menhaden AP member. I won't say much, I will say that I support what Mr. Paquette said, and want to provide a little perspective in Maryland, with regard to the abundance and the state of the stock there; and how it relates to your decisions you're facing today, and also a comment about the science and I'll leave with that.

You increased quota as science guided you in the past, as you initiated Amendment 3, and I think that was a right step in the right direction; and the press reflected that. Initiating ecosystem-based reference points and a small increase in quota was the right thing to do at that time. You have not received updated science to tell you what effect that had on the stock, and that is something should lead to the amount of caution that you use in making the decision moving forward. In the AP report there is something that I probably should have said on the AP call but missed, and so I'll say it now. For a forage species like menhaden, I don't believe under fishing can occur. These fish are utilized by a number of predators that this board manages and this board doesn't manage; endangered species, all that other kind of stuff, birds, and we're seeing that expand.

The stories that Patrick is talking about are successes that we're seeing. We have striped bass on the rebound. We've had good young of the year; those fish need the young that this menhaden adult stock can produce. I was fishing last week on the Bay during Artificial Reef deployment that CCA did. There were peanut bunker everywhere, and I haven't seen them in that quantity in a long time.

Our striped bass have been gorging on Bay anchovies and silversides, because it is all that's left. But we're starting to see some young of the year, we're starting to see maybe some abundance and some increase in the recruitment of the stock. It's because of the good work you did by reducing quota and being cautious. I urge you to continue to be cautious,

and I appreciate the time to provide comment, thank you.

CHAIRMAN BALLOU: Is there anyone else? Yes, I'm sorry three hands up, just next up.

MR. GREG DiDOMENICO: Two of them were mine, Bob; I tricked you, given your eyesight this morning. My name is Greg DiDomenico; I am the Executive Director of the Garden State Seafood Association. I am going to be as brief as possible. I'm speaking on behalf of a group of fishermen from New Jersey who are in the gillnet fishery and in the purse seine fishery.

I mention that because I've heard testimony prior to me that they are speaking on behalf of other people, who have also seen increases in the stock. Now, please remember that the New Jersey fishermen took a very, very serious and significant reduction in their fishery when the commission took action a few years back to implement the quota. You did so, on similar advice or similar results from an assessment, as you have today.

I'm asking for the same reaction that the commission took when you received information that the stock was slightly overfished in its terminal year. Now, you have an opportunity to increase landings based upon best available science, based upon a stock that is highest it's ever been in the last 15 years, based upon a series of increases that have zero risk of overfishing. I am asking for some consistency. I'm asking for the commission to understand the impact to fishermen from our state who were greatly impacted by the actions you took a few years ago.

They want to be successful, as well. They are asking me why there is even a discussion about increases in this fishery this year; given the science and given the fact that there is a 0 percent chance of overfishing. I have to go back and explain to them how this commission took action. I hope I can go back and say that they increased it by 40 percent; they abided by the

science, which says, there would be a 0 percent chance of overfishing. I support the 40 percent and I thank you.

CHAIRMAN BALLOU: Anyone else, yes, sir. Thank you, everyone has been keeping within three minutes, and I really appreciate that. It really is helping with the flow of the meeting, thank you.

MR. MONTY DIEHL: I will be brief, my name is Monty Diehl; I was the general manager of the Omega Protein Plant at Reedville. There is no one in this room who three years ago had to sit and tell more people that they had lost their jobs than I did. My family has been in this business working there for over 100 years. Many of these people were my friends, they were my family.

Many of those people are still not back to work. There is no reason now. No one blames this board for what happened three years ago. I sat through all the meetings. I think people did what they felt was right, and based on the information that they had at the time. But now you've got different information, and there is really no reason that we can't put all these people back to work.

MR. ROBERT NEWBERRY: My name is Captain Robert Newberry; I'm chairman of the Delmarva Fisheries Association. We are affiliated with the Southeastern Fisheries Association out of Florida. What we've heard today, we've heard several years back in Maryland. We were unfortunate that we had to take legal action, but during the course of that legal action we had found out that this species was not being overfished; that overfishing did not occur.

In the course, we may have lost the case on technicality, but on merits we established certain facts. Well, the year after that we received a 10 percent increase in our fishery in Maryland, and by the way, thank you very much for the bycatch that was approved here today. I'm going to be able to take this home to my

people that I represent on the eastern shore of Maryland. They'll be very happy with this.

If you're looking at these facts that you've presented here today that there is a 0 percent chance of overfishing and affecting it, I can't see why there shouldn't be an increase. I mean it is up to this board to determine the percentage of the increase, I understand that. That is not my job. You know the old saying; if it ain't broke don't fix it.

All we've heard is an increase and increase. I'm fortunate enough to be on the Chesapeake Bay a majority of the week, and I also do some offshore fishing. I mean I've seen an increase in the Chesapeake Bay in the amount of fish that we had. I mean I'm out there every day. I'm not like a lot of people that study it, that come out occasionally.

I'm out there; I try to be out there seven days a week, unless I'm fishing in the ocean. Last year we saw as far out as 55, 60 miles to our amazement large schools of menhaden out on the edge of the Baltimore Canyon and south in the Washington Canyon. The fact is the fish are out there. Our fishery in Maryland is so limited.

We're stationary gear, and you can probably count all our menhaden fishermen in the Bay on two hands. But as far as it goes on the states, other states that can benefit from this from increased landings; I would urge this board with a 0 percent chance of any effectiveness on overfishing, to approve. It is your decision what percentage you want to go with. Thank you, very much once again for the 12,000 pound bycatch for our state. That means a lot for our guys, and it is a pleasure to be here today. Thank you very much.

MR. SHAUN GEHAN: Hi, Shaun Gehan; I work with Omega Protein and the Menhaden Coalition. I just want to raise a quick point; because we've heard a couple times, this recovery began because of Amendment 2. But I would point out that as the stock assessment

shows, we've actually been fishing under the new reduced fishing mortality target since 2002.

The population in terms of fecundity has been at its highest sustained level in those last three years of the assessment. Greg noted that the 2012 assessment showed a slight chance of overfishing in the terminal year, but also a severe retrospective pattern; which was overestimating fishing mortality and underestimating the population.

That was corrected in the peer reviewed benchmark assessment, and so it wasn't a dramatic departure in any sense from before, and I think that everyone, just what we've heard from testimony today from both sides, says the population is increasing. A 20 percent increase would put the fishery back to where it was those last three years, a little below where it was the last three years before Amendment 2, 2010 to 2012.

It keeps faith with the manager's promise that when we think action needs to be taken; we're going to take action. But it is always premised on the message to the industry that at the end of the day, when things are better, you'll benefit. That is all we're asking for, just put us back to where we were when we know this stock was fished below our current target, and the population was abundant. Thank you very much.

CHAIRMAN BALLOU: I see two more hands, so I'm going to take two more comments. Yes, the gentleman in the blue shirt.

MR. ROBERT T. BROWN: I would like to thank everybody for the bycatch that you all granted us; it is very valuable to our fishery. Robert T. Brown; President of the Maryland Watermen's Association, with there being no chance of, as they predict, of overfishing, we could really use an increase and we're due to it.

As you know, it has been hard for all of us to do this, and it was a hard decision for you all to make to cut us three years ago as you did. But a sword has two sides to it. Well, you used one side of the sword and you cut us three years ago; now, it is time to use the other side and cut us the same way and put us back on the right track to catching more fish.

It seems, like when we come up here to see us a fishery cut, we have to beg and plead to try to get it reopened again. The best science available says it's a good chance to open it up; that that is the right track. The fish are coming back. I heard them say before, they didn't see many small fish. They need to come around and look in our creeks during the spring and the early part of the summer.

We've had more small menhaden, say two to three inches or even smaller in the creeks; school after school after school in our creeks, and now they've moved out in the river some, but they are up on top of the flats in the shallow water, because they're small and they're trying to stay away from the bigger predators. We need the increase. We feel that it is time to do it, because the science is there to approve it; and I thank you very much.

CHAIRMAN BALLOU: Yes Ken, last comment.

MR. KEN HINMAN: My name is Ken Hinman; President of Wild Oceans and also a member of the Menhaden Advisory Panel. I've heard a couple of times this morning that we need to treat menhaden the same way you treat other species. We hear everybody looking at the single species assessment and the single species reference points applied to it, and the projections that using both of those things as if menhaden are just like any other species.

But that is the whole point; menhaden aren't like all other species. They are a critical forage species. Striped bass and a whole bunch of other fish, a whole bunch of other wildlife depend on abundance of menhaden. That is

why this commission since 2001 has been talking about moving to an ecosystem-based approach to menhaden.

That's why you initiated Amendment 3 a year ago, to develop ecological reference points, and that is why the BERP is looking at moving away from a single species assessment model to a multispecies ecosystem-based model. They are not the same as other species. Don't look at these projections, don't look at what you should do right now; in terms of menhaden as just any other species.

They are an important forage species, and you have to wait for this other information to come in. To give a raise now is like giving the employees in your business a raise before you figure out what your budget is next year. Next year we're going to have a lot of information on the way we manage forage species in other fisheries.

We're going to have a lot of information on allocation, we're going to have a lot of information to make the decision that you should not be making now. Make it then when you will make an informed decision, and you'll be able to manage this fishery and the abundance of menhaden for the long term, rather than just being flip flopping back and forth every other year. Thank you.

CHAIRMAN BALLOU: I just want to thank everybody who just spoke. I think this really helps inform the process, and I think everyone really offered their views in a very thoughtful and effective way, so thank you all for your contributions. Now, we turn it back to the board; and at this time, having pretty much covered all of the preliminaries, I would entertain motions, particularly, a motion on specifications for the menhaden fishery for 2017. I see a hand up, Marty Gary.

MR. GARY: I would like to put a motion on the table to start our discussion.

CHAIRMAN BALLOU: Go ahead.

MR. GARY: If I get a second to that, I would like to have an opportunity to provide some commentary to support that. **I would move to set the coastal total allowable catch of Atlantic menhaden for 2017 at 225,456 metric tons (20 percent increase from the current TAC).**

CHAIRMAN BALLOU: Okay, first is there a second to that motion. There is a second by Mr. Schill. Motion by Mr. Gary and seconded by Mr. Schill; and let's wait and get that up on the board. Let me say this, as we're getting that. Did staff get that or do we need to have that said again? As staff is getting it up, and I will come back to you, Marty, to make sure that we have it correct.

But as we're doing that, I would like to just ask for a show of hands. I want to make sure this is a balanced discussion, so we'll go forward in the way that we need to do; and that is we'll go pro and cons, a show of hands for those who would like to speak in favor of the motion that is being put up on the board. Mr. Schill, I will be going to Marty and Mr. Schill. A show of hands for those who would like, and yes, we have Russ Allen, as well. I won't call out your names. Megan will be writing them down; anyone else at this early stage of the game, recognizing that; early stage of the process.

Is there anyone who would like to speak in opposition? Keep your hands up, Megan is going to write down your names and I just want to make sure. We'll go through everyone. Keep your hands up as Megan writes them down. I see we're still working on the motion, but I want to back to Mr. Gary and make sure it's accurate. How are we looking, Marty?

MR. GARY: I think that captures the motion I made, Mr. Chairman.

CHAIRMAN BALLOU: With that, keep your hands up, we're making sure we've got everybody listed. You can put your hands

down, thank you, and if we miss anyone I will absolutely give you the opportunity. Everyone will get a chance to speak. I just want to make sure we do things as orderly as possible. Marty, I am going to go to you first for comments on your motion.

MR. GARY: Thank you, Mr. Chairman and members of the board, for the opportunity to speak to you. First, I wanted to say I was struck by Adam Nowalsky's question to Dr. McNamee about the risk and quantifying that against historical opportunities we've seen in the past. It really hit me; best science, 0 percent chance of crossing F threshold, and at best, in the most liberal option, a flip of the coin to surpass the target.

But at the same time, the science isn't perfect and the discussion is very energized with emotion and passion, and it is just not that simple. I wanted to give you a quick snapshot of our commission's perspective on this issue and why I put that motion on the table. First a snapshot of our fishery, we have 20 pound netters in our fishery.

They have a 2.5 million, approximately 2.5 million quota. They report weekly to us when they cross the 70 percent threshold of quota attainment, they have a mandatory telephone call in. When they hit the 90 percent threshold we project for the close date; make sure we don't surpass the quota and we shut them down, they switch to bycatch. We do thank the board for their vote this morning to afford more flexibility with the bycatch provision. In 2015, the most recent year I can reference, we attained our bycatch switchover on September the 25th.

Any increase in the TAC will help our fishermen in our pound net fishery and might eliminate the bycatch provision altogether for us; depending on the level of magnitude of the increase in the TAC. Our fishermen are supportive of a liberal increase, but again, that is the fishery; that is the pound net fishermen.

It is more than that; it's a community, right. We're all interdependent upon one another.

We have other stakeholders, we have crabbers that buy bait from the pound net fishermen, and they want to see an abundant menhaden resource in the river; and they want to see a consistent supply of bait that they can use. We have an emerging blue catfish fishery, an invasive species that surpassed our rockfish landings or striped bass landings; and it is encroaching upon our menhaden quota incredibly. But they use menhaden for bait as well. We also have a for-hire fleet, charterboat operators, sport fishermen. They buy bait from our pound netters, and they want a supply of bait; but they also want to see menhaden in the river. They want to see an abundance prey resource for predator species like striped bass, weakfish and bluefish; so they care and they're concerned about the availability of menhaden, and opening up the quota too much.

After careful deliberation amongst our commissioners, and listening to all the feedback we had from our Finfish Advisory Committee, and the different members of our community as a whole, it is just not that simple to liberalize or hold status quo. All the groups had good arguments, the very same ones you heard from our public speakers.

A microcosm, the feedback to our commissioners was almost identical to what we heard this morning from the cross section of folks that spoke during the public speaking opportunity. Those of you that know the history of PRFC know from one side of the river to the other, menhaden management can and has been extremely polarizing.

I thought it was pretty amazing that after canvassing our commissioners, despite disparate viewpoints, almost unanimous support for a compromise; and that compromise was the 20 percent. That was based on feedback within our community, and then also reviewing the letters that all of you

took the time to submit; Wild Oceans, Ben Landry, others, forwarded everything to them. I think they really carefully considered this.

While our perspective on compromise of 20 percent might not be reflective of what you and your communities feel, we think that is a good spot; and I hope you'll consider that. But again, this is a broader issue than one fishery, one perspective, it is more holistic than that and we are interdependent.

At the PRFC community level and we're interdependent all the way up to this level, where all the representatives around the coast are sitting at the table to weigh in on this issue. I hope this is a good start to our discussion this morning. I'm not sure it will be representative of the end point; but I think from our perspective, it would be an area that we would be comfortable with.

CHAIRMAN BALLOU: Next, I'll go to Jerry Schill, whose name is also up on the board.

MR. JERRY SCHILL: Again, my name is Jerry Schill; I'm a one-time proxy for Representative Bob Steinburg, as I understand the SOPs. I can make motions, I can debate, I cannot vote. This isn't the first time I've carried a one-time proxy. In the late 1980s there was a Governor's appointee named Kenny Daniels from North Carolina that asked me to attend my very first ASMFC meeting, and I said sure; not knowing what the ASMFC was or did.

But on the plane ride up here, I actually read the charter, actually read it; and when I got here, I sat around the table and kept looking at the charter and listening to debate and thought, gee, they're not listening to their own charter. I made that point known and I was told that while I had some very valid points, the various reasons why that wasn't taking place; and I said, it doesn't say you should, it says you shall do certain things.

At that time Governor's appointees, legislative appointees were very slim around this table, and very little input from them. But that has changed to the good, I do believe. But I just want you know that sometimes onetime proxies don't come to you as a neophyte, but do know the process a little bit. Now, I did take a short respite from my duties in fisheries in North Carolina, and when I was up north in Pennsylvania spreading manure, I thought fondly of all the times I sat around listening to the debates of South Atlantic Council, Mid-Atlantic Council and the ASMFC; and I do say, fondly.

When you go into a barn, fresh hay with timothy and clover and alfalfa, it has a narcotic effect; so much so that I found myself missing Tom Fote. Tom and I go way back. Listen, I've sat around these tables. I served two terms on the South Atlantic Council, and many times I go back to commercial fishermen and they would say, whose side are you on, anyway? But when you raise your right hand to do this job, you don't take it lightly.

You don't raise your hand to represent a certain organization, you raise your hand to do the right thing of what you're charged to do, and I took that very seriously. The one thing and I very much agree with a lot of the things that Mr. Gary said. I am very pleased that he mentioned blue catfish. I believe that is something that this board needs to take very seriously.

It is a threat to our ecosystem, and I think that is one place where recreational fishermen, commercial fishermen and environmental causes can get together and work on jointly. But I look at this as a little bit different, because over the years I've had to be the bearer of that bad news. My job wasn't just to take the charge of what commercial fishermen thought, and go and be like a bull in a china closet and do their bidding.

It was also to take information that I gathered in places like this back to them, and be the bearer of bad news; whether it be to address trawl bycatch in the shrimp trawl fishery, or turtle excluder devices in the shrimp trawl fishery, or dealing with ITPs for sturgeon or whatever. Again, many times, even to this day since I've been back in the saddle the last three years; that who's side are you on anyway.

You know when you go to them and the science says, you have to take reductions; it is a bitter pill to swallow, but that is what you have to do. But when the shoe is on the other foot, as in today, fairness ladies and gentlemen, is what this is all about. Now I could talk to you about what this means to North Carolina's bait fishermen.

We banned the reduction fishery, I think, unwisely in 2012. If I had been there, I don't think it would have been done by the General Assembly, but that was based on based on bad information. I think it was wrong for our General Assembly to ban the reduction fishery. That is not fair; it was based on bad information.

This is a time to start payback. Fishermen aren't seeing it. I hate to say this, but since I've been involved in this, and 1987 is when I started. The number of commercial fishermen in commercial fishermen in North Carolina has declined. The number of commercial fishing boats has declined, and the average age of commercial fishermen is increased greatly.

Now that's not great, so in those years that I've been involved, it is kind of like building a house for 30 years and you haven't got beyond the foundation; as a matter of fact it's gotten less. It is not a very easy way to do things, but ladies and gentlemen, again, this is all about fairness. We're talking about a 0 percent probability of exceeding the threshold fishing mortality rate. Finally, I will say this, in keeping with the onetime proxy, if I wasn't a onetime proxy; I would have amended the motion for 40 percent

increase. But I know Bob Steinburg, I know how he feels, and that is the reason why I'm agreeing to a 20 percent increase; and I thank you very much for your time.

CHAIRMAN BALLOU: Next, I'll go to Robert Boyles.

MR. ROBERT BOYLES: These are challenging times, a lot of complex issues, a lot of competing interest; and I would like to thank everybody who has shown up today to comment. I would like to thank everybody who has shown up and has participated in what I think is a bastion of liberty.

Difficult issues, complex questions, competing interest and a lot of passion. I thank everyone around the table and in the community for sharing those with us. I think where I find myself with this situation with menhaden, I have, I would like to lay out to you, maybe four interests. I think I am interested in developing a long term strategy for effective management of this very, very important resource; upon which so many people's livelihoods, avocations, communities and recreation depends.

I'm interested in getting things correct. We made a commitment, this board made a commitment some time ago to develop, we begin to work on Amendment 3, with two very, very big and very, very complicated tasks at hand; and that was to deal with the complicated and challenging and vexing issue of allocation, and also to deal with the complicated, vexing, equally difficult issue of developing ecosystem reference points.

From my perspective, Amendment 3 is the prize, and I recognize and appreciate the sacrifices that have been made by industry. I recognize and appreciate the sacrifices that have been made by many people to engage with this board to share their wisdom with us. It is the Wisdom of Solomon that I pray for today.

Mr. Chairman, I believe we have one opportunity here to get things correct, and I think that opportunity is Amendment 3. Complicated, challenging, competing interest, a lot of passion, but I think we need to maintain our commitment to deal with these issues headlong; and I think we need to have the opportunity to fully discuss and consider the impacts of the long ball game with Amendment 3. There are two things that have struck me as we have discussed these issues for many, many months.

Clearly, everyone here is very, very interested in the sustainability and the health of the resource. I think we all can deal with disagreement and divergence of opinions. I find it difficult to deal with apathy, so I am grateful that we're not dealing with apathy about the menhaden resource. I am grateful for that. The second thing, I think, that we can offer is stability in the decision making process.

I'm concerned with the motion on the board that we may find ourselves painted in the corner once we get the results of the next stock assessment. Once we hear from our technical advisors on how we deal with ecosystem reference points. **I'm afraid we may paint ourselves in the corner with this motion today, so Mr. Chairman, with that, I would like to make a motion to amend Mr. Gary's motion to maintain status quo for fishing year 2017.** Thank you.

CHAIRMAN BALLOU: Is there a second, seconded by Ritchie White. We have a motion to amend, and I'm going to wait until it gets up on the board; but I believe the motion was to amend by maintaining status quo for the 2017 fishery. I just want to make sure we get that correct. We have a motion by Mr. Boyles and a second by Ritchie White; to maintain status quo for the 2017 coastal TAC for the Atlantic menhaden fishery. Is that an accurate read of your motion, Mr. Boyles?

MR. BOYLES: Yes, sir.

CHAIRMAN BALLOU: Let me go to Ritchie White for the next comment.

MR. G. RITCHIE WHITE: It is always extremely difficult to follow Robert, so I have very little to add to his eloquent remarks. What I would add is, my constituents have told me that even though there are finally some menhaden north of us in Maine, we have not seen any in New Hampshire yet.

Their comments are, we're finally starting to see some, don't screw it up. Give it a chance to fill in some more. Give us a chance to see some for a few years. With those comments and with all the other public input that we've gotten, which is overwhelming, I support this motion.

CHAIRMAN BALLOU: I'll go to Russ Allen next.

MR. ALLEN: Obviously, I will not support this motion. I would be remiss to my constituents, who have suffered from the cuts we have made; that wasn't a bad thing, it is what we did. We have a 0 percent chance of overfishing, and there should be some sort of opportunity for them to get some of this back.

Our purse seine fishery is closed right now. Our small fishery closes for the most part for most of the year. This would give them the opportunity of lasting a little longer during the course of a year. Maybe 20 percent might have been too much, but there is no reason for us to sit here and say, stay status quo for next year; then be waiting for an amendment or an addendum that might take another year or two down the line.

Now, we're talking, okay we'll just stay status quo until the next assessment. On the last assessment we made cuts. We just had an assessment that showed no overfishing is happening. We're not overfishing, it's not overfished; yet we're not going to give them any fish back. I cannot support this motion, and I may even move to substitute at some point.

CHAIRMAN BALLOU: I would like to now take a comment in support of the amended motion. Dr. Pierce, would you be speaking in support? You're next.

DR. PIERCE: I do, indeed, support the motion to amend to go with status quo, the 187,880 metric tons for the 2017 fishing year. Much of what I was going to say actually was said by Patrick Paquette; who spoke very eloquently to the issue of the resurgence of menhaden off of Massachusetts has begun.

I hear from many different sources an abundance of menhaden, certainly on the south shore and the backside of the cape. That doesn't really surprise me, because back in 2013 through Amendment 2, we did establish a rather lower quota; not as low as it might have been, but certainly a lower quota of 171,000 metric tons thereabout, and we kept it pretty much there, 188, 187,000 in 2016.

For the last three years, we've been rather conservative in our approach for setting the TAC for the coast. I consider that to be a major contributing factor for this abundance of menhaden off of our coast. It is not the only factor, of course, but it is a major factor in my mind. In Massachusetts we certainly had a long wait for menhaden to return to our shores, and indeed, that long wait now seems to be over.

I don't want to jeopardize it in any way by certainly increasing it up to that higher number. I would much prefer to keep it status quo. Regarding the projections, I have a lot of appreciation for the work done by the Technical Committee. The projections have been very helpful. However, as noted in the documents, the projections are highly uncertain.

In addition, it is noted in the documents we have before us the model structure has uncertainty; so that adds to my concern about the usefulness of those particular projections. In addition, the statement about there being zero probability of our overfishing, I have to

express my concern about the current definition we have for overfishing; that is the threshold.

It is an F value of 1.26; which I've always thought was too high. That translates into about a 75 percent removal of the stock every year, 75 percent removal then we have the natural mortality. I've always thought that was exceedingly high. Nevertheless, that is the way it is. Relying on that as a way for us to feel comfortable that we're not overfishing, therefore we can increase the amount. I don't subscribe to that because it is still too high a value that defines overfishing. Then finally, it has already been said, but I'll just highlight it.

The menhaden has tremendous ecological value; that value is very high. I'm going to continue to base my decision today and certainly in the future with an understanding that that value is high, it has to be respected; and as a consequence we need to be quite conservative as we move forward, moving in the direction of the next amendment, which will result in some ecological reference points and some more sound thinking about how we move into the future with management of this very important fishery.

CHAIRMAN BALLOU: Now, I would like to take a comment opposed to the motion to amend. Rob O'Reilly.

MR. O'REILLY: Certainly, I think a lot of the board has expressed very good comments, and the reason I asked an earlier question about the projections was specifically to pinpoint the idea of just how they are, how fragile they are. They're not very fragile, they are connected with other species as well; as far as projections go, 2017 is used.

What I'm concerned about, and we might remember there is a retrospective here, so if you go back to December, 2012, Virginia went clawing its way away from the 20 percent reduction, initially starting with a 5 percent,

which was rejected, a 10 percent which was rejected, a 15 percent was rejected; and ultimately Virginia succumbed to the majority of the board. Now, there are lots of calls to maintain status quo, but status quo has changed quite a bit. If we all recognize that what we really did in 2012 was not start a rebuilding frame, but to attempt to have better management of menhaden; which is what I think was done in 2012, to start that and which is going forward.

Then we do understand that there was a false ceiling. That cap was a false ceiling. It was raised once by 10 percent or very close to it, just under; and now today there is a call to raise 20 percent, and if you think about it, that is 10 percent more than would have been there in the beginning.

Based on the assessment results, based on the fact that it was noted that the fishery has been under target F since 2002, the fecundity is as high as it was in the mid-seventies. I'm not sure, just because we don't have optimum yield written in our charter perhaps, that should be a reason to postpone for Amendment 3, because Amendment 3 to use Mr. Schill's term may be a foundation and that's it.

We go to Amendment 3 on the biological and ecological reference points; does anyone really think that is just going to be it? No, that is not going to be it that is going to be the foundation we have to build from. In the meantime, we are really postponing what is a deserved increase based on all the scientific information. For that reason, I can't support the amended motion.

CHAIRMAN BALLOU: Dave Simpson, are you planning to speak; no you're going to pass. Next, on my list Tom Fote, would you be planning to speak in support of this motion to amend? Go ahead.

MR. THOMAS P. FOTE: I am going to divert for one second. About a year ago, as I was walking

through the halls, somebody passed me and I didn't recognize him. Then I find out it was Jerry Schill; because his wife said, why is Tom Fote ignoring you? I said, well, I've gotten a lot older, Jerry hasn't, but his hair has turned white so I didn't recognize him when he passed me; after many years of knowing each other and working together on a lot of issues.

As all of you know menhaden has always been dear to my heart, one of the reasons I got involved with the commission. I realize the importance it is for other species, a lot of people have said that around the table, more articulate than I can do. But I really said I want to see it restored to the full range. That has been my cry for 25 years.

I said, we have reduction compliance up and down the coast and we don't have it, because there is no fish. What happened in Massachusetts, what is happening, why did striped bass disappear from the Kennebec River quite a few years ago, because there were no menhaden up there? My concern is, we're just seeing that progression. We took some tough steps.

I mean, I'm sitting here a couple of months ago talking about striped bass and we realized that we overestimated the mortality, we overestimated this, we had the fourth highest young-of-the-year index, and the eighth highest young-of-the-year index within four years; yet we said, we're going to be precautionary.

We're going to wait for the next amendment before we increase the catch in striped bass, because again important. Over the last 25 years we have also targeted forage species a lot more. I mean, we basically targeted squid, we've targeted Atlantic herring to supply the lobster industry and everything else, and so we've taken a lot of forage species out of the water. We've taken, causing problems with those species that depend on them. I mean, I was happily surprised and thankful that the

Mid-Atlantic Council was looking at a forage species plan, and how do we deal with that.

I found it ironic that false albacore wound up on it, because I never thought of false albacore as a forage species; but it is, it is for sharks, it is for anything that can catch it, so it is a forage species, dolphins and things like that. I also look at the birds. I've been involved with the osprey rebuilding when Pete McClain in New Jersey started doing that.

Pete, in his talk that we see that they depend on menhaden, I see them when I'm walking up and down the boardwalk in Sea Side Park. It is a part of their diet, a part of the bird's diet. It is very important. Menhaden is more than just menhaden harvest. I think what always disturbed me the most that when one industry, and now it's one company, had 83 percent of the quota.

I mean, you could address a lot of these problems with the 30-70 split, which we should have done a couple years ago when we passed this plan. That's what I supported and couldn't get it done, it wasn't the effort there. For those reasons, I think we should stay status quo. We should deal with all the issues that we're going to deal with, and in Amendment 3, and I'll try to be brief by just shutting up now; thank you.

CHAIRMAN BALLOU: I will now take a comment in opposition to the motion to amend. Terry Stockwell.

MR. STOCKWELL: I'm going to speak in opposition to the motion to amend, as well as to the underlying motion; if that is all right with you. Certainly, Maine's episodic event this year makes it easy for me to support some kind of increase in quota. I could have been in support of 20 percent, if 10 percent of it would be awarded to the episodic quota; but that cannot be done in this action.

My concern is that 20 percent has the potential to muddy the waters of the reallocation

discussion we're going to have in Amendment 3, and that status quo is too conservative for an action that might take several years to get out the door. I'm in support of a more modest increase, such as 10 percent for one year and to expedite the development of Amendment 3; and I'll see how this motion goes up or down, may make a motion to substitute or amend as my turn comes around again.

CHAIRMAN BALLOU: Next on my list I have John McMurray. Are you planning to speak in support of the motion to amend? Go ahead.

MR. McMURRAY: Yes, I support the motion to amend for a number of reasons. The first of which is that the 2015 assessment is really 180 degree turnaround from what we saw with the prior assessment, which did account for predator/prey interactions. The TC is very clear that those projections are highly uncertain that we're basing this sort of increase on.

It doesn't take into account predator/prey interactions, and any sort of increase based on that is contrary to where this commission is going with Amendment 3. It is my understanding that we made a commitment to manage menhaden in an ecosystem context; and this just doesn't jive with that. But the real reason that I support this, is because of what a few other people around the table have talked about, is the return to their historical range. Now, we have extraordinary concentrations of bunker, and we have for the last two years off of Long Island, the south shore in particular.

I've done 70 trips this year, and I can say with some certainty that at least 40, 45 percent of those trips, their success was directly related to that sort of abundance and that sort of concentration of bait. It is a really good example of; if you build it, they will come. Things are absolutely different now because of that concentration.

We have a thresher shark fishery in 40 feet of water. There are whale concentrations that

nobody has ever seen, and the point is that these things are supporting jobs. They are creating jobs, they're bringing jobs back that were sinking; mine included. We have to understand that this is a public resource. This is not a resource that is meant to be managed for the benefit of one or two states; it is to be managed for the benefit of the entire public.

The sort of expansion we're seeing now, I truly believe is a result of the 25 percent reduction that was made in 2013. I know some people around the table are shaking their heads and saying there is no stock recruitment relationship. But I find it really hard to believe that leaving those hundreds of millions of pounds of fish in the water did not have something to do with the sort of abundance increase that we're seeing now; and they're going all the way up to New England.

I don't think we have the data to show us now what this sort of increase would do, what a 20 percent increase would do to those levels of abundance we're seeing now, and those jobs that were created up there. I would support staying at status quo; at least until we get squared away with Amendment 3.

CHAIRMAN BALLOU: Lynn, are you planning to speak in opposition to the motion to amend? Go ahead.

MS. FEGLEY: Yes, I cannot support this motion. I would like to try to put some things in perspective as to where we are with this stock. The terminal F coming out of the stock assessment was F 70 percent. The Lenfest/Pikitch F recommendation was F 64 percent, and we have a target of F 57 percent.

We are finding ourselves in a good neighborhood, I think, to achieve our diverse goals for this fishery. We also have a responsibility to manage this fishery for all of our constituents. We do have science before us that talks about the risk of an increase, which is low. We cannot -- I think it is important that we

be willing to act in either direction when the information speaks that we can.

That being said; we are standing on the cusp of a new assessment. We are going into Amendment 3, where we will discuss ecological reference points, so the industry and the fishermen, who have sacrificed so much through this process, should realize that any increase that this board offers could be removed quickly, after the process is complete. In line with Mr. Stockwell, I would support a more modest increase. I would be in favor of something more on the line of 10 percent, and I would be willing to also make a motion to that effect when the time comes.

CHAIRMAN BALLOU: Loren Lustig, are you planning to speak in support of the motion to amend?

MR. LOREN W. LUSTIG: Indeed, I am. Can I go ahead with my comments? I find it absolutely fascinating to hold the position that I do here with ASMFC, although I have been an absolutely avid angler for probably 65 years. I am not a fisheries scientist. What I am is an environmental educator.

I've been thinking about that fact, and wondering how I would address these questions to a group of sixth graders on Fox Island, right where the Virginia/Maryland border is at in the Chesapeake. One of the crucial foundation blocks of being an environmental educator is that you have to absolutely believe in what you're saying; otherwise, of course, you lose all kinds of credibility and it is just not going to work.

For me, personally, I would have absolutely no problem looking into the eyes of a group of sixth graders at Fox Island, and saying that I fully support the recovery of menhaden to their historic range. Absolutely no doubt about it! I would also have no problem in saying to that same group of sixth graders that I am

encouraging an ecosystem-based approach; no problem there either.

Now, perhaps, the essence of wisdom is to ponder what sort of world we're going to turn over to our grandchildren, and try to figure out a way to turn over a world that is ecologically whole; not fractured. I do recall about an hour ago that there was a slide presented early on for us to look at that showed the relative abundance of menhaden since 1960 in ten year increments.

When that slide was on the board, I leaned over to the gentleman here on my left and said, is there any chance that we could ever return to the abundance as indicated in say 1950 or 1960, just before those numbers absolutely fell off the table? I would very, very much like to see us have that kind of goal in hand, to return to those kinds of abundances. With that being said, I certainly am in full support of the amendment that allows these baby steps of recovery to occur.

CHAIRMAN BALLOU: Dr. Duval; in opposition?

DR. DUVAL: No, Mr. Chairman, I wanted to speak in support.

CHAIRMAN BALLOU: If you could hold then, in opposition. Let me go to Kyle, I'm sorry I'm just going to go on to the hands that just went up. Kyle, you're next.

MR. KYLE SCHICK: We have to remember that in 2012 we made some decisions on best science available; which was horrible science. It was inaccurate; the data for the fisheries was poor. We ignored signs of the Potomac River pound net information that showed that the stock was stable, because of all of the other minutia that was surrounding our decision making process.

It is a very emotional fish. Before it was thought as just a little oily fish that didn't matter much, and now we know that it is a very

important fish. It is an important fish in my neighborhood, because I'm from Northern Neck, Virginia. I know the people that are out of work. I know the industries that have been hurt; the bait industries, the reduction industries. We have no automobile plant, we have no major industry in the Northern Neck, other than fishing and agriculture; and these people took an unnecessary cut. The cut was not proper, and it should not have been done; but we used best management practices with poor information.

To stay status quo, to keep the pie small; because we're going to cut the sizes of the pieces in a couple years, is not correct. The pie should be bigger, because the science tells us there are more fish that should have been and could have been caught. The full extent range of this fish will never, never come back; because we are not willing to eliminate 25 percent of a population of the human beings on the east coast of the United States.

We are the cause of all of our environmental fishery issues; not the fishermen it's pollution. It is water quality. This board can't do anything about that except for go home and tell our legislators to stop polluting through sewer systems and nonpoint source sediments of proteins and runoff from farms and industrial sites, and from our neighborhoods.

We don't have power to do that here, so we're talking about doing something that we cannot change. All we can do is look at this science and say, how much fish can we take out of the water and still keep this species healthy. A 30 percent, shouldn't be 20 percent, it should be 30 percent. Let's go back to 2012, where the error was made. Let's put out pride in our pockets, and let us not say to ourselves, oh we can't do this because I'm afraid I might not be right.

We are right. We were wrong then, we need to be right now, and it is a matter of fairness, it is a matter of science, and it shows a 30 percent

increase is really where we should be. All of our fisheries have uncertainty. We brought this buzz word up here, because it is one way that the proponents to keeping status quo can put uncertainty in our minds.

We are just as certain that we can fish at a 30 percent increase as we are in any other fish that we manage. This is what we need to do. We need to forget about a status quo; if we can get a 20 percent that is great; 30 percent is where we should be, and we need to move forward with this.

Then when we come to Amendment 3, we've got a pie that is the right size and we can start dividing that up the way that we come to. If we're going to use multispecies, hopefully, we're not going to jump the gun on that like we did in 2012 with jumping the gun. We need to use not only best science, but we have to use good science.

I certainly don't want to rush Amendment 3, just because we think that this is the right thing to do for our constituents; so we can be safe in saying that we're using this new method to save the world. It is not going to save the world if we implement something before it is right. Let's go ahead and defeat this and get to the main motion.

DR. DUVAL: I very much appreciate all the members of the public who came here to provide their comments today, as other commissioners have noted. It has been a long and bumpy road to get to where we are, and I'm not sure that this is actually where we're going to end up. But I don't want to see us lose all that we've gained. I'm always apprehensive when there is a significant reversal in stock status from one benchmark to another. That gives me pause, and I'm concerned about a significant increase in the TAC on top of the 10 percent increase that was implemented for 2015 and 2016. I would certainly be more comfortable if we had more complete information after the update that we're

supposed to receive next year; particularly with regard to recruitment. That's one of the biggest uncertainties that gives me the greatest pause, I guess. My concern deals with lack of a complete picture without all of the information. The board has made the commitment to walk down the road towards a development of ecosystem-based reference points.

One of my concerns is that I could not support the original motion. I simply think that is too significant of an increase in the TAC, and my concern was that a year from now we would end up having to, as Ms. Fegley said, take some of that back. Though I recognize that we need to be flexible when we have the opportunity, but I'm also concerned about substantial increases; because I do believe that it does a disservice to industry when we have to turn around a year later if we get a stock assessment and pull back on that.

I also have concerns, as we move down this road towards implementation of ecosystem reference points; that given everything that we've heard about that and it seems like where we are now is within the envelope of where we need to be. I could not have supported 20 percent, I'm not sure status quo is where we're going to end up. But I will end my comments there, Mr. Chairman.

CHAIRMAN BALLOU: Rachel Dean.

MS. RACHEL DEAN: I am new, hi! Thank you for giving me the opportunity to speak, Mr. Chairman. I just wanted to kind of go over a couple of the things that have already been said; and kind of put my own spin on it. Mr. Boyles, you certainly spoke to the heart of the issue. Amendment 3 is certainly the prize, and I think that we all have our eyes on it.

I would not want to do anything that would jeopardize that. Mr. Nowalsky, your loaded question was spot on. It was exactly what I was thinking. You make decisions, and when you have that risk and that risk is so low, it is really

difficult to take that answer home to constituents who have taken those cuts in the industry; and say, the science supported that cut, but now it is not going to support what is in place or an opportunity for the increase.

Mr. Lustig, on the heartfelt, you spoke about the children and how you would explain it to them. I'm having a hard time thinking about how I might go home to their fathers and explain to them that cut that they took that just, not so much crippled them, but really kind of cut the income and what was coming home.

Now that we have the science to support that increase, I'm having a really hard time, thinking about how I could go home to them, our fishermen, and explain to them. I guess what I'm asking here today is that you help me explain to them that this commission is one that acts upon the best available science and form that trust that I want them to have with this commission.

Because I think that as we move forward to Amendment 3, and we keep our eye on the prize. I really look forward to working with those guys, with my predecessor, who had the seat before me as Maryland's Governor's appointee, and other stakeholders in our state of Maryland; so that we can all kind of work towards that and of course work with each of you as well. I would not support this movement to amend at status quo, and I look forward to someone else possibly making a motion possibly on that 10 percent.

MR. SHIELS: I'll be brief, because when you go near the end everybody has already taken all of your good ideas. I'm also new to the board, and as a result, I've heard some comments through the hallway and at dinner about where we should be on Amendment 3, and this particular motion; and what might happen today.

One of the nice things you can do is you go to the ASMFC website, and you can find a treasure trove of all the historical information. I missed

breakfast this morning, because I was up very late last night trolling through the ASMFC website to find some information. Maybe the most telling thing that I found was a news release ASMFC put out when Amendment 3 was being introduced, and there were two points to it that are very important.

They've been discussed, but we can maybe put a fine edge to it right here. Reallocation of the menhaden to the different jurisdictions, different parties, and ecological reference points; that is really what Amendment 3 boils down to, and we've heard proponents on both sides and discussed that.

One of the things that is important to us in Pennsylvania is we don't have commercial fishing, but we do have menhaden in our part of the Delaware River. We're very concerned about American shad, river herring, hickory shad, eels; fish that also would be eaten by predators if they don't have the option to choose menhaden.

A healthy menhaden population relieves foraging pressure on shad, river herring, hickory shad and other species. In addition, I think we need to stick to the status quo; and I support the motion to amend. As one of the previous speakers mentioned, I had my own cliché about the pie. My point was that if we go through Amendment 3, we see the positive increase in menhaden that everyone is reporting on both sides of the aisle; all reporting much larger numbers of menhaden.

Then the pie that will be divided in the reallocation process is going to be a bigger pie. We can have the arguments about how we make those splits, but if we have a healthy population and it increases through one more year; that pie will be much bigger, and I think the end result will be worth the wait.

Finally, the last thing I wanted to say was, I think we should allow the process to work. A lot of you spent a lot of time in the room to

make sure that it was done with all comments, it was all seriousness previously. I don't see a need for you to jump out in midstream. Thank you for the opportunity to comment.

MR. NOWALSKY: First of all, I want to thank you all for giving me way more credit than I deserve for coming up with a loaded question. I just looked at it and said wow! I've never seen this before, has anybody seen it before, so thank you all. I see no reason to wait on the debate here of making another motion. I'm prepared to move to amend for 10 percent, Mr. Chairman.

CHAIRMAN BALLOU: I would just ask you to wait if you don't mind. I'm almost through the hands that have gone up, and then I think we're going to vote. What I would like to do is go through, I think at least two more people who have yet to comment; and I think it is important to allow everyone to comment. Then I would like to take a vote on this amended motion, and then we would be back to, depending on how that vote goes there would be an opportunity for another amendment to be made. If it is okay, Adam, because I think Terry and Lynn and others may be thinking the same thing, I would rather get through this, vote on this, and then see if there is any interest in making any additional motions. Is that okay with you?

MR. NOWALSKY: I'll defer to your decision on the matter. I think the 10 percent is probably where we can make the quickest decision on whether that is something those that are around the table, that have spoken strongly in favor of status quo, whether those people can look everyone in the eye, look at the science and really say; can I provide some compromise. Can I work with my partner states here at this board to find some middle ground here? I really think the sooner we get there the better.

CHAIRMAN BALLOU: My intent is to go to Bill Goldsborough, then Rep Peake, if they both wish to speak, and then see if the board is ready to vote. Bill Goldsborough.

MR. GOLDSBOROUGH: We find ourselves in an accidental circumstance, I believe, here considering an unplanned quota change that would, in effect, be a departure from the course we laid out for ourselves last year. In February of last year we received a last assessment report. We did not act on it then.

The wisdom of the board, in particular, its chair at that time, was that we absorb that new information for one sequence before doing so, because it was quite a change from the previous benchmark. In May of last year, we did consider the assessment, which remains our current assessment.

We did take two main actions, the first thing we did was we embarked on Amendment 3, as has been mentioned; that had two main points, a development of ecological reference points, finally. That would have been 14 years after we first committed to accounting for menhaden's ecological role, three years after we first decided in Amendment 2 to develop ecological reference points.

We also decided to revisit allocation; which was something we also laid out three years previously in Amendment 2; and those are two very important things for moving us forward in the management of menhaden. The other thing we did in May of last year, when we considered the assessment, was we decided to increase the quota by 10 percent for 2015 and 2016.

That would have put us right up to the 2017 implementation date that we had laid out for Amendment 3, and that was our plan at that time last year. It was an ambitious timeline, and because of that, that summer we, if you recall, appointed two workgroups of this board; one to work on developing new allocation scenarios for the board to consider under Amendment 3 and one to work on various options for ecological reference points.

We held a workshop on ecological reference points, and we did this in a flurry of activity over

a period of about six weeks, in some cases with weekly meetings; if you all recall, in August and September of last year. That was because we had this timeline that we had laid out to implement Amendment 3 in 2017, next year.

Then we came to the annual meeting, and we started discussing the study that we wanted to commission the Committee on Economic and Social Science, and how that would be an important thing to have in hand before we did any shift in the way we allocate this quota. That led us to delay the timeline for Amendment 3 by a year. Now the date for implementation is 2018. It is only because of that decision, and this is how it's written in the record of the annual meeting; it is only because of that decision that we now find ourselves considering specifications for 2017.

It was not our intent in May of last year, when we took action based on what remains the current assessment, it was not our intent to change the quota until we implemented Amendment 3; and I think we should maintain that as our intent. To do otherwise would be a reconsideration of what is still the current science; which we already had a very thoughtful discussion of.

We waited a full three months before we did that to fully absorb it, and it would be doing so without the benefit of the socioeconomics report that we also said we wanted to have in front of us before we considered allocation issues. I recommend we stay the course, the course that we've laid out, and that the public trusts that we are on.

Also, for a point of perspective, I want to note that there have been several references to the assessment finding of no overfishing and to the catch projections that suggest 0 percent risk of overfishing, and the sentiment of some of the folks who brought those things up for themselves or on behalf of constituents; that they didn't understand why we wouldn't make a decision to increase the quota at this time.

Well, meaning no disrespect, but we should understand that by now. It has now been 15 years since we committed to accounting for menhaden's ecological role. That is the reason. The finding of no overfishing, the projection that says zero risk of overfishing; those are based on single species reference points. We are in the process, we have committed to and we are midway through a process of developing and adopting ecological reference points; and I think we ought to stay on that track.

With respect to one of those ecological reference point options, it was pointed out that we are in the neighborhood of the Lenfest reference points, and that should give us comfort; and it does give us some comfort. It kind of reflects the earlier points that were made about how we're seeing some progress, so let's try and complete that recovery.

But to put a little finer point on it, where we are is, our current F is above the F target that the Lenfest ecological reference points would call for us to adopt. Now we're considering increasing the quota, even with the knowledge that we are above the F target of one of the ecological reference points we're going to be considering under Amendment 3. To me, that is really going back, not only on the course we laid out that the public has faith that we're sticking to; but also the very technical foundation for that course and the intent of it.

REPRESENTATIVE SARAH K. PEAKE: When I first raised my hand it was with the intent of wanting to call the question, having heard eloquent arguments for over an hour on both sides of the issue. But since you have signaled your intent that you will allow a vote on this motion, prior to accepting any amended motions, I am going to take my moment at the microphone to weigh in on the merits.

But having just acknowledged that so much has been said, I have pages of notes that I've scribbled here with my thoughts in favor of the motion, the amended motion that is before us;

the motion for status quo. But rather than go through those point by point, because so many people who've preceded me at the microphone have spoken, certainly in an in depth and thoughtful way on both a scientific basis and a public policy basis, and a consideration of future generations basis.

I guess I will conclude that beginning with Mr. Boyles to Mr. Paquette, Mr. Goldsborough just now, and certainly my own DMF commissioner, Mr. Pierce. I would associate myself with their comments, voice my strong support for the amendment that is before us, and look forward to your calling the question so we can cast our vote.

CHAIRMAN BALLOU: I am prepared to now call for a vote on the motion to amend. Ritchie has his hand up.

MR. WHITE: Roll call, please.

CHAIRMAN BALLOU: Okay. Because there has been a request this will be done via roll call. I will note that because this is not the final vote, it can't be because it is a motion to amend, all members of the board may participate in the caucus; and I will now allow for a one minute caucus. Okay, I think that was about a minute, so I am now going to ask Megan to call the roll. **This is on the motion to amend.**

MS. WARE:

MR. STOCKWELL: No.

MS. WARE: New Hampshire.

MS. PATTERSON: Yes.

MS. WARE: Massachusetts.

REPRESENTATIVE PEAKE: Yes.

MS. WARE: Rhode Island.

MR. REID: Yes.

MS. WARE: Connecticut.

MR. SIMPSON: Yes.

MS. WARE: New York

MR. McMURRAY: No.

MS. WARE: New Jersey.

MR. ALLEN: No.

MS. WARE: Pennsylvania.

MR. LUSTIG: Yes.

MS. WARE: Delaware.

MR. CLARK: No.

MS. WARE: Maryland.

MS. FEGLEY: No.

MS. WARE: Potomac River.

MR. GARY: No.

MS. WARE: Virginia.

MR. O' REILLY: No.

MS. WARE: North Carolina.

MR. DOUG BRADY: No.

MS. WARE: South Carolina.

MR. BOYLES: Yes.

MS. WARE: Georgia.

MR. GEER: Yes.

MS. WARE: Florida.

MR. ESTES: Yes.

MS. WARE: NOAA.

MR. ORNER: No.

MS. WARE: Fish and Wildlife.

MR. WRIGHT: Yes.

CHAIRMAN BALLOU: **The motion fails on a 9 to 9 tie vote.** We are back to the main motion. Would anyone like to make any additional comments with regard to the main motion?

MS. FEGLEY: If I may, Mr. Chairman I would like to substitute the main motion.

CHAIRMAN BALLOU: Whether it is substitute or to amend; why don't you go ahead and offer and then we'll try and figure out from parliamentary whether it is an amendment or a substitute. Go ahead.

MS. FEGLEY: **I'll offer an amendment. I would move to amend the main motion to replace the TAC of 225,456 with 206,668 (10 percent) increase.**

CHAIRMAN BALLOU: Seconded by Terry Stockwell. Moved by Lynn Fegley, seconded by Terry Stockwell to amend the main motion by setting the 2017 coastal TAC for the Atlantic Menhaden Fishery at 206,668 metric tons (10 percent increase). Is that accurate? Yes. That is the new amended motion. I do not intend to go through everyone on this. But I will certainly give the maker of the motion the opportunity to speak to it, and I will allow for limited additional comment; particularly by those who may not yet have commented.

MS. FEGLEY: This is really our opportunity to appreciate the science that has been presented to us, but unsure that we're treating the situation, which is precarious, if I might say, with a sufficient caution.

CHAIRMAN BALLOU: Dennis Abbott, would you like to comment?

MR. DENNIS ABBOTT: The only comment I would make is I think we've had extended debate, and I would prefer to make a motion as Representative Peake did to limit debate and call this to a vote, if the body so desires. I think there has been enough debate about the issue that we don't really have to go around the table again to hear things; so my motion would be to limit the debate at this point.

CHAIRMAN BALLOU: I understand there might be just one other hand up, Jim Gilmore; did you want to weigh in? If so, in all due respect, I wouldn't mind entertaining at least one additional comment and then put this to a vote.

MR. GILMORE: It is just a very quick question, and I believe Bill Goldsborough may have answered it before. The schedule for Amendment 3, from what I understand, is that we would come up with that very simple task of ecological reference points in 2017, and then finalize the amendment that would be implemented in 2018 if all things go correctly. Is that correct?

MS. WARE: Yes, so the upcoming schedule would be; and I will go through the timeline in the next agenda item; but we would be looking at this point for a final approval at the November, 2017 meeting for Amendment 3 for implementation in 2018. We have the socioeconomic study coming up February, 2017, and 2017 is also an assessment update for menhaden; so busy year coming up.

CHAIRMAN BALLOU: Okay, one last comment only because Bill, you have yet to comment on this issue; so go ahead, Bill Adler.

MR. ADLER: I support this. I understand that the big picture will be Amendment 3, I understand that. But that is several years away, and after all the comments that we have heard about not overfished, zero risk, all this type of stuff. I think the industry does need some little increase; even though it won't affect Massachusetts all that much; I just think it is, in

fairness, that there be some increase while we're fixing Amendment 3, so I'm in support of this motion.

CHAIRMAN BALLOU: Megan would like to clarify one issue.

MS. WARE: Jim, just to clarify. The BERP ERPs aren't expected to be ready until 2018/2019, so I'll go through the reference points section in the PID. There are a couple options there, I just want to make sure you know that.

CHAIRMAN BALLOU: Okay, 15 second caucus, and then a motion to amend; Ritchie.

MR. WHITE: Roll call, please.

CHAIRMAN BALLOU: Fifteen second caucus and then a roll call vote. Okay, Megan, please call the roll.

MS. WARE: Maine.

MR. STOCKWELL: Yes.

MS. WARE: New Hampshire.

MS. PATTERSON: No.

MS. WARE: Massachusetts.

REPRESENTATIVE PEAKE: No.

MS. WARE: Rhode Island.

MR. REID: Null vote.

MS. WARE: Connecticut.

MR. SIMPSON: No.

MS. WARE: New York.

MR. GILMORE: Yes.

MS. WARE: New Jersey.

MR. ALLEN: Yes.

MS. WARE: Pennsylvania.

MR. LUSTIG: No.

MS. WARE: Delaware.

MR. CLARK: Yes.

MS. WARE: Maryland.

MS. FEGLEY: Yes.

MS. WARE: Potomac River.

MR. GARY: No.

MS. WARE: Virginia.

MR. O'REILLY: Yes.

MS. WARE: North Carolina.

MR. BRADY: No.

MS. WARE: South Carolina.

DR. RHODES: No.

MS. WARE: Georgia.

MR. GEER: No.

MS. WARE: Florida.

MR. ESTES: No.

MS. WARE: NOAA.

MR. ORNER: Yes.

MS. WARE: Fish and Wildlife.

MR. WRIGHT: Yes.

CHAIRMAN BALLOU: **The motion fails 8 to 9;** there was one null vote, but the motion fails 8 to 9. Dave Simpson.

MR. SIMPSON: As a third try, maybe it will be a charm. **I'm going to move a 5 percent increase in the quota; which is where I started out, so I would be very happy if we end up approving that.**

CHAIRMAN BALLOU: I see Jim Gilmore's hand up to second, yes; moved by Dave Simpson, seconded by Jim Gilmore to amend by setting the 2017 Coastal TAC for the Atlantic menhaden fishery at a 5 percent increase. We have had, I think, enough discussion that I think unless anyone has a burning question or a parliamentary question.

MR. ABBOTT: I do have a parliamentary question. If we continue to vote on certain percentages and none of them acquire a majority, what are we left with? Are we left with status quo?

CHAIRMAN BALLOU: Well, thank you for asking the Chair that question. I'm going to cross that bridge when we come to it. I'm going to call for a vote on this. I know that the outcome of this will determine where we are vis-à-vis the main motion; and I may look to you for some guidance on how to proceed, or staff. But let's cross that bridge when we come to it. I think it could very well be a good question. But I am prepared unless anyone wishes to offer anything else, and Ritchie would you like a roll call vote on this as well?

MR. WHITE: Please.

CHAIRMAN BALLOU: A roll call vote, no need to caucus. As I see it, I think we've vetted this quite well on what I hope to be the last motion to amend; that being a 5 percent increase. Megan, please call the roll.

MS. WARE: Maine.

MR. STOCKWELL: Yes.

MS. WARE: New Hampshire.

MS. PATTERSON: No.

MS. WARE: Massachusetts.

REPRESENTATIVE PEAKE: No.

MS. WARE: Rhode Island.

MR. REID: No.

MS. WARE: Connecticut.

MR. SIMPSON: Yes.

MS. WARE: New York.

MR. GILMORE: Yes.

MS. WARE: New Jersey.

MR. ALLEN: No.

MS. WARE: Pennsylvania.

MR. LUSTIG: No.

MS. WARE: Delaware.

MR. CLARK: Yes.

MS. WARE: Maryland.

MS. FEGLEY: Yes.

MS. WARE: Potomac River.

MR. GARY: No.

MS. WARE: Virginia.

MR. O'REILLY: Yes.

MS. WARE: North Carolina.

DR. DUVAL: Yes.

MS. WARE: South Carolina.

DR. RHODES: No.

MS. WARE: Georgia.

MR. GEER: No.

MS. WARE: Florida.

MR. ESTES: No.

MS. WARE: NMFS.

MR. ORNER: Yes.

MS. WARE: Fish and Wildlife.

MR. WRIGHT: Yes.

CHAIRMAN BALLOU: **Motion fails on a 9 to 9 vote.** We are probably exactly where Rep. Abbott thought we might be which is at the main motion. I'm going to look for guidance on where we go from here. Obviously, the next step should be a vote on the main motion. I guess if that fails; it is status quo. I think that was the essence of your question. I'm going to look to staff, and I'll start with Megan to see if that's the correct interpretation as to the outcome of a failed vote on the main motion; which we're about to undertake.

MS. WARE: If we don't have consensus on the next vote, what that means is we don't have a quota for 2017. I recommend we figure out something today so we have a quota for 2017.

CHAIRMAN BALLOU: That is actually different than what I said. We don't have a fall back. We don't have specifications for 2017. We do need an affirmative vote, one way or the other on 2017 specs. There is no fallback as I see it. Adam, do you have a thought on the issue?

MR. NOWALSKY: Well my thought, Mr. Chairman, would be to go ahead and take the vote on this and then move for a short recess to discuss our options, one of those might be a motion to create a blank, get some numbers out and then go ahead and address it that way; might be our best chance moving forward.

CHAIRMAN BALLOU: Thank you for that suggestion. Let me go to David Borden, and then Dennis Abbott.

MR. DAVID V. D. BORDEN: I think it would be cleaner if we simply made a motion to amend to establish status quo for 2017.

CHAIRMAN BALLOU: I think the issue is we've already run through that and I'm not sure we can repeat a motion that has already been voted on.

MR. ABBOTT: Considering what's been going on, I think that we probably reached a point that this may require some more thought by the board members. I think we have time to adequately look at this prior to the annual meeting; therefore, I will make a motion to postpone until the annual meeting.

CHAIRMAN BALLOU: I'm going to look to staff to see if that motion is in order.

EXECUTIVE DIRECTOR ROBERT E. BEAL: The motion is in order; I think the question would be to the states. Does a decision in the third week of October provide the states with enough time to implement a new quota? States do adjust quotas for species in shorter time than that for other species. I just don't know what flexibility the states have and how much notice the states need to react to a change in quota. Is October too late for some states?

CHAIRMAN BALLOU: I also want to ask from a parliamentary standpoint. If the motion to postpone were adopted today, would we have a clean slate going into the October meeting, or would we have to fall back on the votes that

were taken today and insure that we don't repeat them? I just want to make sure that our eyes are wide open on how we might proceed here.

EXECUTIVE DIRECTOR BEAL: Yes, I think the process would be that the motion that's on the board right now, which is a 20 percent increase in the quota, would be the motion that you start with at the annual meeting; and any amendments and other considerations that you want to make to that would be fair game. You could go back and revisit status quo, 5 and 10 percent if there is interest in going through that again. But this is your starting point that is on the screen now, 20 percent increase and then we start over after that.

CHAIRMAN BALLOU: Let me do this. I'm going to take Adam up on his suggestion. I know we're probably already running late; but this is a very important issue and I want to make sure we get it right. Let's take a five minute recess, during which time we will consider whether we are going to move forward on a motion to postpone. When I say we, you should think about your thoughts on a motion to postpone versus some other motion relevant to the main motion. I'm sorry, before we break, Bill.

MR. ADLER: Does that need a second?

CHAIRMAN BALLOU: It does, but I'm going to suggest this. I'm going to suggest a recess and then when we come back I'm going to turn to Dennis to allow him to make his motion, and see if there is a second.

MR. ADLER: I will second.

CHAIRMAN BALLOU: Okay, I want to take a five minute recess; only five minutes, and then we're going to be back.

(Whereupon a recess was taken.)

CHAIRMAN BALLOU: Let me give you a lay of the land as I understand it. I've been advised

that it would be, although it is possible, it is not in the board's best interest to postpone, better to have a TAC set today than to wait until the next meeting. The motion that could be made to postpone would be in order, but it would not be advisable to move in that direction.

My understanding is that there are two schools of thought, in terms so what folks are interested in offering to get us out, get this done. That just to let you know, is likely to be a motion for a 1 percent increase; and depending on how that goes, a motion to reconsider at 10 percent. I am going to do my best to manage those two votes; which I anticipate are about to happen.

I just want to give you a sense as to the two votes that I anticipate occurring now, and these would both be motions to amend. I believe I am going to turn to Dennis Abbott. Is it your intent to offer a motion? By the way, the motion to postpone can be taken off the board. I didn't allow for a second, it is not a motion before this board. Do you want to withdraw it, Dennis?

MR. ABBOTT: Yes. I thought I was doing a good thing. I think I was doing a good thing. In lieu of the conversations we've had during the break, I think it would be wise to withdraw that motion. My interest was in getting us to some number. I was afraid we weren't going to get to any number; so I would like to see Representative Sarah Peake recognized for a motion, if you would.

CHAIRMAN BALLOU: Thank you, and before I go to Rep. Peake, Robert, you have your hand up.

MR. BOYLES: Yes sir, Mr. Chairman. Point of parliamentary inquiry please; the motion for a 10 percent increase; there was not a prevailing side. That was a tie vote as I understand it. My request of you as Chair is since there was no prevailing side, can that question be brought back before the body?

CHAIRMAN BALLOU: That is a very good question and I have asked it, and my understanding is that because the motion failed, the prevailing side is on the failed side of that vote; therefore, anybody who voted no would be able to move to reconsider, because they were on the prevailing side.

That was the interpretation that I was given. If you wish to appeal that or question that, I guess now would be the time, because we're going to go to another motion first, but if you don't agree with that interpretation then I'm going to have you take it up with our Executive Director who advised me. Go ahead, Robert, if you wish to speak.

MR. BOYLES: I pass.

CHAIRMAN BOYLES: Again, I want to make sure. I had asked the question and it was answered. Rep. Peake, would you like to make a motion?

REPRESENTATIVE PEAKE: I would, Mr. Chairman. I would move to set the 2017 coastal TAC for the Atlantic menhaden fishery at a 1 percent increase.

CHAIRMAN BALLOU: Is there a second to that motion, seconded by Dennis Abbott; moved by Rep. Peake, seconded by Dennis Abbott to set the 2017 coastal TAC for the menhaden fishery at a 1 percent increase. Do we need a roll call vote on this? I assume we do. I'm going to ask Megan to call the roll on this motion to amend to increase by 1 percent. Megan.

MS. WARE: Maine.

MR. STOCKWELL: No.

MS. WARE: New Hampshire.

MS. PATTERSON: Yes.

MS. WARE: Massachusetts.

MR. ADLER: Yes.

MS. WARE: Rhode Island.

MR. REID: Yes.

MS. WARE: Connecticut.

MR. SIMPSON: Yes.

MS. WARE: New York.

MR. GILMORE: No.

MS. WARE: New Jersey.

MR. NOWALSKY: No.

MS. WARE: Pennsylvania.

MR. LUSTIG: Yes.

MS. WARE: Delaware.

MR. CLARK: No.

MS. WARE: Maryland.

MS. FEGLEY: No.

MS. WARE: Potomac River.

MR. GARY: No.

MS. WARE: Virginia.

MR. O'REILLY: No.

MS. WARE: North Carolina.

MR. BRADY: No.

MS. WARE: South Carolina.

DR. RHODES: No.

MS. WARE: Georgia.

MR. GEER: No.

MS. WARE: Florida.

MR. ESTES: No.

MS. WARE: NOAA.

MR. ORNER: Yes.

MS. WARE: U.S. Fish and Wildlife.

MR. WRIGHT: Yes.

CHAIRMAN BALLOU: **The motion failed 7 to 11.** Per the advice I've been given, if anyone on the board who was on the prevailing side of a failed vote; I think I said that correctly. Let me say this again, who was on the prevailing side of a vote which would have been a failed vote; so any of the prior motions that were made that failed, anybody who voted no can move to reconsider.

MR. GARY: I believe, based on your description, I fit into that category on the prevailing vote, I voted no. If I understand the protocol correctly, **I would move to reconsider the original motion for a 10 percent increase to the coastal TAC.**

CHAIRMAN BALLOU: Well, that wouldn't be the original motion that would be a move to reconsider the amended motion to establish a 10 percent increase. Is there a second to that move to reconsider that motion? Seconded by Adam Nowalsky. Is this a straightforward majority vote? I believe we're voting on the move to reconsider, then on the actual substance of the measure; is that correct?

EXECUTIVE DIRECTOR BEAL: That's my understanding, yes.

CHAIRMAN BALLOU: I would be calling for a vote on the motion to reconsider; Cheri, you have your hand up?

MS. PATTERSON: yes, I just have a question. Is it true that both the status quo motion and this

motion had equal votes, so both of those can be under reconsideration?

CHAIRMAN BALLOU: The answer is yes.

MR. SCHILL: In reconsidering this motion, is it by majority or does it require two-thirds?

CHAIRMAN BALLOU: My understanding is it is a majority vote. A majority vote of the board would bring this motion back before the board. We are voting not on the substance of the motion, but on the board's desire to bring this back before the board for consideration. Is everyone clear on the next vote we're about to take? If so, let's take that vote, and I, of course, assume it needs to be done via roll call, because of how close all the voting has been. I'll ask Megan to call the roll on the motion to reconsider this particular motion to amend.

MS. WARE: Maine.

MR. STOCKWELL: Yes.

MS. WARE: New Hampshire.

MS. PATTERSON: No.

MS. WARE: Massachusetts.

REPRESENTATIVE PEAKE: No.

MS. WARE: Rhode Island.

MR. REID: Null.

MS. WARE: Connecticut.

MR. SIMPSON: No.

MS. WARE: New York.

MR. GILMORE: Yes.

MS. WARE: New Jersey.

MR. ALLEN: Yes.

MS. WARE: Pennsylvania.

MR. LUSTIG: No.

MS. WARE: Delaware.

MR. ROY W. MILLER: Yes.

MS. WARE: Maryland.

MS. FEGLEY: Yes.

MS. WARE: Potomac River.

MR. GARY: Yes.

MS. WARE: Virginia.

MR. O'REILLY: Yes.

MS. WARE: North Carolina.

MR. BRADY: Yes.

MS. WARE: South Carolina.

DR. RHODES: No.

MS. WARE: Georgia.

MR. GEER: No.

MS. WARE: Florida.

MR. ESTES: No.

MS. WARE: NOAA.

MR. ORNER: Yes.

MS. WARE: Fish and Wildlife.

MR. WRIGHT: No.

CHAIRMAN BALLOU: **The motion passes 9 to 8.** We have now brought back the motion for a 10 percent increase. **We now need to vote on that motion to amend.** It has been brought back

before the board per the prior vote to reconsider. Now we need to vote again on the same motion that we voted on prior, and wonder if there is going to be a different outcome. **Megan, please call the roll on the motion to amend for a 10 percent increase to the Atlantic menhaden 2017 coastal TAC.**

MS. WARE: Maine.

MR. STOCKWELL: Yes.

MS. WARE: New Hampshire.

MS. PATTERSON: No.

MS. WARE: Massachusetts.

REPRESENTATIVE PEAKE: No.

MS. WARE: Rhode Island.

MR. REID: Null.

MS. WARE: Connecticut.

MR. SIMPSON: No.

MS. WARE: New York.

MR. GILMORE: Yes.

MS. WARE: New Jersey.

MR. ALLEN: Yes.

MS. WARE: Pennsylvania.

MR. LUSTIG: No.

MS. WARE: Delaware.

MR. MILLER: Yes.

MS. WARE: Maryland.

MS. FEGLEY: Yes.

MS. WARE: Potomac River.

MR. GARY: Yes.

MS. WARE: Virginia.

MR. O'REILLY: Yes.

MS. WARE: North Carolina.

MR. BRADY: No.

MS. WARE: South Carolina.

DR. RHODES: No.

MS. WARE: Georgia.

MR. GEER: No.

MS. WARE: Florida.

MR. ESTES: No.

MS. WARE: NOAA.

MR. ORNER: Yes.

MS. WARE: Fish and Wildlife.

MR. WRIGHT: No.

CHAIRMAN BALLOU: **The motion fails on a tie vote.** Robert Boyles.

MR. BOYLES: Can you tell us where we are now? Give me a parliamentary inquiry, and I have a motion.

CHAIRMAN BALLOU: We are back at the original motion, which we have not yet voted on, and a tie vote on the main motion, of course, would mean a failed vote, which would be no action, which would mean no specifications for the 2017 fishery. That is not an outcome we can walk away with.

We are at either an impasse; in which case a motion to postpone may well be in order, even though it is not the best way forward, it may be the only way forward, given the impasse. It would give us the next three months to think it through. We would take it up again at our annual meeting, or we can try to wrestle through it today.

MR. BOYLES: My interests have been well known and I won't spare any more of your time. **I would like a motion to amend the main motion to set the 2017 coastal TAC for the Atlantic menhaden fishery;** you all forgive me, at 19 percent, and if I get a second, I'll try to explain that.

CHAIRMAN BALLOU: Seconded by Marty Gary, go ahead. The motion made and seconded to increase by 19 percent.

MR. ABBOTT: A parliamentary inquiry.

CHAIRMAN BALLOU: Yes, Dennis Abbott.

MR. ABBOTT: We've had a lot of votes and probably like a lot of people, I'm getting confused. Did we not just vote on the main motion that was brought by Marty a long time ago on 20 percent; and that did not pass? Is that not true?

CHAIRMAN BALLOU: I don't think we actually got to that point. We were approaching that point.

MR. ABBOTT: Even though it got erased from the board, it is not up there anymore. Like I said, I'm confused as to if that main motion wasn't voted on.

CHAIRMAN BALLOU: Bob Beal, do you want to clarify the issue?

EXECUTIVE DIRECTOR BEAL: I think you're in the right spot. The main motion has never been voted on today. All the votes that the board has taken, so far, are motions that would have

amended the 20 percent motion that is the main motion, the original motion from hours ago.

CHAIRMAN BALLOU: I think the reason why we're in this awkward place is because the votes have all been tied, and so there is a concern that when it comes to the final vote on the main motion, if that is also tied; we're left with nothing, absolutely nothing, which is out quandy. Robert, you have offered a motion and you would like to speak to it. Go ahead.

MR. BOYLES: I think, clearly, we need to set specifications for 2017 fishing year. I will point out and remind the board that I indicated an interest in stability in decision making. I indicated an interest to the board to make sure that we maintain our focus on the prize. It is clear that the group here is extraordinarily divided.

My concern, I just will restate that a change off of status quo will lead us to further forays as we've seen here. I appreciate everybody's interest. I offer my motion; 19 percent was not offered before. But I think we need to recognize the interest of the community and the industry to make these decisions, so it is under that spirit that I reluctantly offer the motion.

MR. NOWALSKY: Can I just get clarification. Okay, 19 percent increase, because it said just 19 percent a moment ago.

CHAIRMAN BALLOU: Okay, let's move forward with a vote on the motion to amend. It will need to be a roll call, obviously, and so Megan, please call the roll.

MS. WARE: Maine.

MR. STOCKWELL: Yes.

MS. WARE: New Hampshire.

MS. PATTERSON: No.

MS. WARE: Massachusetts.

REPRESENTATIVE PEAKE: No.

MS. WARE: Rhode Island.

MR. REID: No.

MS. WARE: Connecticut.

MR. SIMPSON: No.

MS. WARE: New York.

MR. GILMORE: No.

MS. WARE: New Jersey.

MR. ALLEN: Yes.

MS. WARE: Pennsylvania.

MR. LUSTIG: No.

MS. WARE: Delaware.

MR. MILLER: No.

MS. WARE: Maryland.

MS. FEGLEY: Null.

MS. WARE: Potomac River.

MR. GARY: Yes.

MS. WARE: Virginia.

MR. O'REILLY: Yes.

MS. WARE: North Carolina.

DR. DUVAL: No.

MS. WARE: South Carolina.

DR. RHODES: Null.

MS. WARE: Georgia.

MR. GEER: No.

MS. WARE: Florida.

MR. ESTES: No.

MS. WARE: NOAA.

MR. ORNER: Yes.

MS. WARE: Fish and Wildlife.

MR. WRIGHT: No.

CHAIRMAN BALLOU: **The motion fails 5 to 11;** Megan may be tallying the final numbers, but it is far enough away that I can announce that it failed. I've never had so much fun in my life; by the way. Thank you all, this is just awesome.

MR. ABBOTT: Can I make a motion?

CHAIRMAN BALLOU: Absolutely, Dennis.

MR. ABBOTT: The motion is to present you an award for doing such a good job in this meeting. **No, seriously, I think we're probably back to a motion to postpone.**

CHAIRMAN BALLOU: **I think that would be in order. Would you like to make that?**

MR. ABBOTT: **I am making that; thank you very much, Mr. Chairman.**

CHAIRMAN BALLOU: Moved by Dennis Abbott, seconded by Bill Adler is a motion to postpone until the next meeting of this board, so it is specific to the next meeting. Craig, you have a comment on the motion?

MR. CRAIG A. MINER: One of the concerns that I have about going along with this motion is that the motion that would then remain on the board, I think for consideration is the 20 percent. I don't think we've ever had a real

conversation about whether the 20 percent is the right place to be; but I think if I kind of listen to the discussion and look at the numbers, none of us are at 20 percent or we would be hard pressed to defend 20 percent.

I was going to suggest that maybe we pick a number north of 5, short of 10 and give it one more stab; because to leave 20 percent on the board, that is what the public is going to react to. They are going to come to the annual meeting and they're going to say, what's up for consideration is a 20 percent increase. I'm not sure that is the message I would like to leave the public with.

CHAIRMAN BALLOU: Well, fair enough, but I do think we need to take this issue up, as to whether the board wishes to postpone. Granted with that in that context, but nonetheless the matter would be open, wide open as I understand it. We would start at the annual meeting with this motion, but then there would be opportunities to amend. That is my understanding is that we would be back at it from the beginning at the annual meeting if this motion were to pass.

After Adam makes his comment, I am going to quickly go out and see whether there are any states that feel that postponement would severely affect their ability to manage their state fishery in 2017. That is a key concern, and I think we need to know whether that is an issue. If so, take that under advisement as we vote on this measure.

MR. NOWALSKY: Having now voted on a number of different numbers, if we do postpone this to the annual meeting, what would be our range of options to vote on without reconsiderations at that time?

CHAIRMAN BALLOU: I'm going to ask Bob to speak to that.

EXECUTIVE DIRECTOR BEAL: My interpretation would be that if this motion to postpone passes,

the 20 percent motion would be viable and be the starting point for the annual meeting; and all of the other options that you've talked about today are eligible, 5 percent, 10 percent, 19 percent, status quo.

Those can all be voted on again by the board at the annual meeting; if that's where folks wanted to go. Just because they were voted on today and failed or tied, doesn't preclude the board from working with those numbers at the annual meeting. The general premise, as I understand Roberts Rules, is that the actions of one board really can't hamstring or limit the options of a board at a subsequent meeting.

What this would do is just bring the 20 percent forward. It's like we started over this meeting an hour and a half, two hours ago. Everything is available at the annual meeting.

CHAIRMAN BALLOU: Does that answer your question, Adam? Rob O'Reilly.

MR. O'REILLY: I'll make it very short. I would request that the Technical Committee take an accounting of the concerns that were expressed today, especially of the uncertainties, the projections, and anything else that the Technical Committee can perhaps provide us at the annual meeting; in terms of guidance.

CHAIRMAN BALLOU: Is the board ready to vote? Yes, I'm sorry, Roy Miller.

MR. MILLER: Also, could we task the Technical Committee with giving us a better understanding of when we can expect ecological reference points to be available to us for our consideration. I've heard 2018, I've heard 2019. I think there is some uncertainty in that regard.

MR. ABBOTT: If this passes, I think it might be useful for the following meeting if we had a table. It would be useful to me, if I saw what each of the states who have a quota, what particular percentage, what increase they

would receive under we'll say increments of 5, 10, 15, 20 percent; what the actual poundage would be.

CHAIRMAN BALLOU: I believe that might be in your meeting materials, if it is, we'll insure it is in the next time.

MS. FEGLEY: I hate to do this for the TC, but I think this goes along with Mr. O'Reilly's comment that if at all possible if the TC at the annual meeting could give us an update on recruitment in those years between the terminal 2013 and present. I think that would really help our conversation.

CHAIRMAN BALLOU: I'll just assume that all the suggestions that have just been made have been duly noted, and that the TC will do their best to address them at the annual meeting. With that, I would like to call for a vote on the motion to postpone until the next meeting of the board; which would be in October. I guess we'll do a roll call vote, just to make sure we're clear on the outcome. With that I'll ask Megan to call the roll on the motion to postpone.

MS. WARE: Maine.

MR. STOCKWELL: Null.

MS. WARE: New Hampshire.

MS. PATTERSON: Yes.

MS. WARE: Massachusetts.

MR. ADLER: Yes.

MS. WARE: Rhode Island.

MR. REID: No.

MS. WARE: Connecticut.

MR. SIMPSON: No.

MS. WARE: New York.

MR. GILMORE: Yes.

MR. WRIGHT: Yes.

MS. WARE: New Jersey.

CHAIRMAN BALLOU: **Motion passes 10 to 7 with 1 null vote.** We have actually made a decision. How about that?

MR. ALLEN: No.

MS. WARE: Pennsylvania.

MR. ABBOTT: Mr. Chair?

MR. LUSTIG: Yes.

CHAIRMAN BALLOU: Yes, Mr. Abbott.

MS. WARE: Delaware.

MR. ABBOTT: I'm sorry, but did I not hear Maine as null and Rhode Island as a null? It was a no, thank you. I'm old and don't hear well.

MR. MILLER: Yes.

MS. WARE: Maryland.

CHAIRMAN BALLOU: Okay, so with that and given that we're so over our schedule, I think what I'm going to suggest is that we had parked one issue that I would frankly like to move to the annual meeting; and that is the TC report or response on the paper. I don't know, Jason, let's give it a shot. Let's give it a quick shot.

MS. FEGLEY: Yes.

MS. WARE: Potomac River.

MR. GARY: No.

We've got a few more items and we're going to do everything humanly possible to get done by lunch; which is 26 minutes from now, 12 o'clock is 26 minutes from now. Let's move through these next items, break for lunch and then the Striped Bass Board is going to meet after that.

MS. WARE: Virginia.

MR. O'REILLY: Yes.

MS. WARE: North Carolina.

MR. BRADY: Yes.

**TECHNICAL COMMITTEE COMMENT ON
ANALYSIS BY PETER HIMCHAK**

MS. WARE: South Carolina.

CHAIRMAN BALLOU: We had parked one item in the TC report. Jason, if you could bring back that slide and speak to it, it is a TC response or comment on a paper that was submitted that a board member asked to be considered. Let's cover that right now, Jason.

DR. RHODES: No.

MS. WARE: Georgia.

MR. GEER: No.

MS. WARE: Florida.

MR. McNAMEE: Yes, super quick. I think the slide is just about to pop up. We received an analysis from Peter Himchak titled Fate of an Atlantic Menhaden Year Class. We had a discussion about that at the TC. What we did was offered him some feedback. There was additional discussion between Peter and some Technical Committee members, but individuals. He improved the analysis. We can re-review

MR. ESTES: No.

MS. WARE: NOAA.

MR. ORNER: Yes.

MS. WARE: Fish and Wildlife.

the analysis, if it is the wish of the board, and that is the extent of that, Bob.

CHAIRMAN BALLOU: Any questions or comments?

MR. SCHICK: Yes, I would like to request since there was conversation going on that the TC get into a webinar and further address some of the concerns, and present at the next meeting.

CHAIRMAN BALLOU: Is the board comfortable with having the TC continue to vet this issue, respond to this issue as Kyle has suggested? Is there any objection to that? Seeing none; we'll ask the TC to continue to work with the author of the paper, and we will move on to the next agenda item which is Guidance on the Draft PID for Amendment 3. We will have a brief presentation on the draft document, which has been developed by the PDT and is before the board for review.

GUIDANCE ON THE DRAFT PID FOR AMENDMENT 3

CHAIRMAN BALLOU: Megan has a few slides summarizing the document. We will then be seeking board input, perhaps limited input given the time, on the issues and options as presented. This input will be in the form of feedback to the PDT, which they will consider as they continue working on the development of the document as a draft; and that draft document will be brought back before the board at our meeting in October. This is not an action item, as such; we're not looking for any motions or any votes; thank God. We only have just a few minutes for this, but it's an important issue, so Megan, to you.

MS. WARE: In the interest of time today I'm just going to mostly focus on the issues I would like board feedback on. I've been working with the PDT over the last couple of months to start the PID; again, this is our broad scoping document where we're asking, generally how

do you want to see the menhaden fishery managed.

Then after this we'll move to Draft Amendment 3, which is a bit more narrow in its focus. Just to go over the timeline, since I've received a couple questions about this, this is the master timeline for Amendment 3. In October I will be bringing the PID for approval for public comment, which means our public comment period on the PID will be in November, 2016 through January, 2017.

After that, we will review those comments in February. I am going to work with the PDT to draft Draft Amendment 3 between March and July of 2017. In August, 2017 I hope to have the document for approval for public comment, so that means public comment on Draft Amendment 3 would be September through October 2017, and then November 2017 we would take final action on the document.

These are the issues currently included in the PID. I'll go through most of these in greater detail today. A question I have for the board is if there is an issue you are interested in seeing in the PID which is not on this list here, please let me know today so that I can have the time to incorporate that issue into the document. Reference points, so this is going to be a big portion of the document. The board is interested in pursuing ecological reference points. At this point I have three options included in the PID. The first would be status quo; which is the single species reference points from the 2015 benchmark stock assessment.

Option B is the Pikitch et al ERPs; these were brought forth by Pew and reviewed by the BERP. Then Option C is interim reference points until the BERP ERPs are completed. Just for some clarification, I believe the BERP ERPs are going through peer review at the end of 2018, which would make them available in 2019, just to clarify that. There had been a question.

If the board is interested in using those, we will need interim reference points before that time. Those interim reference points can be the single species reference points, they can be other ERPs, but right now, this is the PID; we're keeping it broad, so that is Option 3. Quota allocation, so we have many different options here.

The two concerns I've heard from the board or from the public is that the current allocation does not strike an equitable balance between different gear types and regions. Also, the current allocation does not allow for growth in the fishery, especially in some of those peripheral states. We have a suite of options here. These are all presented to the board already in the memo from the Allocation Working Group. I am not going to go through these in specifics right now, but if there is a question I am happy to add more information. Going along with that would be the allocation timeframe. We have three different options there. Again, this has been presented to you before so I am not going to spend time on this; but I am happy to give detail if asked.

Our fourth issue is quota transfers and overage payback. We're including this because as a practical matter, transfers are a really efficient and useful way to address overages. However, some regions may be disadvantaged by the quota transfer system, due to the timing of their fishery relative to other fisheries on the coast.

Also, there is no ASMFC guidance on what a state should do if they receive multiple transfer requests at the same time. To try and address some of those issues we have three options in the PID. The first would be status quo, so quota transfers can continue and any remaining overages are deducted from the subsequent year's quota.

Option B is a voluntary transfer pool, so how this would work is a jurisdiction with an underage could transfer any unused quota to a

shared pool; and then extra quota in the shared pool would be distributed to states with an overage, either through a conference call or some sort of allocation scheme.

Again, the specifics are not yet defined but we're trying to understand if there is support for these general ideas. Option C is overage reconciliation, which some other fisheries do use. If the TAC is not exceeded in a specific year, any quota overage would be forgiven. When the TAC is exceeded but one state has an underage, that unused quota would automatically be pooled and distributed to states with an overage.

The main difference between B and C is whether that is a voluntary giving of unused quota or it's an automatic pooling. If there are any other options the board would like to see in this, please let me know. Quota rollovers, in Amendment 2 it says that quota can be rolled over if the stock is not overfished and overfishing is not occurring.

We're now at that point. However, the specifics weren't outlined in Amendment 2, and so the board has decided to push this into Amendment 3. We have three options; one that quota rollover is permitted. Option B is that limited quota rollover is permitted so that rollover would be capped by a certain percentage of allocation. Then Option C, no quota rollover is permitted.

Bycatch allowance, this is an area I am looking for some feedback from the board on; especially since we have taken action today on Addendum 1. But some of the concerns I've heard and the PDT and I have tried to address in the options you see before you, are that the bycatch is not included in the quota and so that could undermine the TAC. I've heard concerns that we don't have a clear definition of what a non-directed fishery is or what incidental catches, if it needs to be a percent composition of catch; things of that nature.

Hoping to address those with these options, but again if there is another option please let me know. We have status quo, the 6,000 pounds per vessel; which we will add to this the 12,000 pound provision. Option B, bycatch would be included in the quota. Basically, all bycatch of menhaden would count towards the quota. Once the quota is met the fishery would shut down. Option C would be a bycatch cap and trigger. Bycatch is limited by a harvest cap, and if the bycatch landings exceed that cap by a certain percentage in a single year or exceed that cap in two consecutive years, that would trigger the board to take management action to reduce bycatch landings. Option D, bycatch allowance per individual, this is trying to get at the issue that was brought up through Addendum 1; so each permitted individual would have a bycatch limit.

Then Option E is to define bycatch as a percent composition. Trip landings, for example, over a thousand pounds would have to maintain bycatch landings under a certain percent composition. The thousand pounds is not necessarily what we have to go with, it is just an example; and the reason the PDT put that in there is there is the issue of cast nets, which we're looking for some feedback on.

Those, in some ways, are directing, but they're small landings and bycatch. It is unclear how to deal with this. I would appreciate feedback. All right, episodic events, especially over the past three months, are an issue that have come up a lot. I think that this is something that would be useful to address, specifically now that we have three states participating in the program, and New York, which originally wasn't included as a participating state is now a part of that.

I don't really have much guidance from the board, and I would appreciate feedback on what you would like to see in this. We just have status quo right now, but some questions I have are, does the board want to keep episodic events? If yes, do you want to increase or decrease the amount of TAC that is allocated to

this program? What states should be allowed to participate in this program? Again, I'm looking for some feedback on this issue.

Finally, the Chesapeake Bay Reduction Cap is included. There are no specific options in the PID here, and I don't think the PDT intends to write them. What we're hoping to do is just put some questions out to the public as to whether we should keep this cap. The reason for this is that the Chesapeake Bay reduction fishery has consistently underperformed this cap, and there has been a peer review of the Atlantic Menhaden Research Program, which found localized depletion is not occurring in the Chesapeake Bay.

Our two questions for the public are: should the Chesapeake Bay reduction fishery cap be maintained, and is this an important tool for management of Atlantic menhaden? I have just some starter questions for the board; but again, I'm looking for some feedback today so we can bring a polished PID to the board in October.

CHARIMAN BALLOU: Excellent presentation. With these questions, does the board have any suggestions that are responsive to the questions that are up on the board?

MR. SIMPSON: I do, thank you. Under Issue 6, some of the concerns that were raised relate to lack of clarity on what bycatch is, is it meant to be a percent and so forth. I would like to be able to address that; and sort of a preamble to what I'm going to suggest. I want to point out that from Table 3 in the Draft Amendment, all gears other than gillnets, pound nets or purse seines account for just less than three-quarters of a percent of our coastwide landings.

Gillnets account for 1.35 percent, pound nets 3.7 percent, and purse seines 94.2 percent. To begin with under Issue 6, my suggestion would be for clarity in this bycatch area is to rename this issue; small scale fishery allowance. I think that is what we're trying to get at, so that yes a cast net is a directed fishery, but let's keep it in

perspective on what it is. We can always set appropriate trip limits. My other suggestion is to add a new Option F, which would be a small scale fishery set aside. Just to follow the format that you've used, it would be: Small scale fishery set aside. One to 7 percent of the overall TAC would be set aside for small scale fisheries landing not more than 1,000 to 6,000 pounds per trip.

To get public comment on that sort of range of percentages and trip limits, I think, would help us a lot in terms of the administrative burden all the states face, managing the hundreds of people that cumulatively only represent a small fraction of the catch; 1 or 2 percent. That's my suggestion.

CHAIRMAN BALLOU: Additional suggestions?

MR. McMURRAY: Not necessarily a suggestion, but a clarification question if I may. Regarding the reference point options, Option C is very vague. You say you're going to develop interim reference points, but then you kind of mention a combination of A and B. Can you maybe explain what you're planning on doing there?

MS. WARE: With that option, I'm trying to gauge interest or get comments on if the public and the board are interested in using the BERP ERPs, what do we do in the meantime since those are not going to be ready when we take final action on Amendment 3? In the document it says that interim reference points could be the single species reference points that we currently use.

It could be the Pikitch et al ERPs. I'm also hoping to get, if there are other ERPs that are applicable to this fishery, information on those. It is broad, but I'm trying to cast a wide net to get as much information as possible. If you would like more specifics or it to be more specific, please let me know.

CHAIRMAN BALLOU: Additional? Yes, Terry.

MR. STOCKWELL: Concerning the episodic events, given New York's and Maine's experiences this summer, I would like to see some options that would allow for extended eligibility and for quota increases.

CHAIRMAN BALLOU: Next hand is Bill Goldsborough:

MR. GOLDSBOROUGH: I noted with surprise in Megan's presentation, the statement that localized depletion in Chesapeake Bay had been found in that research program to be not occurring. That is absolutely not my recollection of what happened. We put that cap in place as a precautionary measure about ten years ago, and embarked on a five-year-research program at that time, which was inconclusive.

Because the various methods that were attempted were actually counting how many menhaden were in the Bay at any one time, including LIDAR; if some of you recall, were unable to do that. I guess I would request that the PDT revisit the record on that program, and what it did conclude; because as far as I'm concerned it is still an open issue, and I believe that view represents the views of a lot of stakeholders in the Chesapeake.

CHAIRMAN BALLOU: Go right around the table, Lynn Fegley.

MS. FEGLEY: I just wonder to Dave Simpson's point. Up front in the Addenda when it talks about why are we doing this. I wonder if it wouldn't be helpful to have some language about the administrative burden that a lot of the states are facing. In Maryland, we're spending more money than the fish is worth to try to manage the quota. I think that that is a pretty good rationale for going down the road we're going down.

CHAIRMAN BALLOU: Other comments. Rob O'Reilly.

MR. O'REILLY: There were about eight telephone conferences among board members during the allocation period of this going forward. During that time, several times it was talked about not having the episodic continue forward if possible, and even not having the, what is called now, the bycatch.

My comments would be, what could we have to sort of direct us that way? It seems that we, today at least, were unwilling to increase the TAC, and certainly that's one way that there can be better programs than simply having these episodic events that someone can miss like Maine or New York, and at the same time the 6,000 pound bycatch. I don't think we should be resigned to the current formula for that. I think that takes a little bit of work.

On the 6,000 pound bycatch the way it is now. There was one item that indicated the quota should contain the bycatch. I think it would be helpful if it doesn't already appear somewhere, to get the monthly progression of the bycatch. There are probably five states mainly that are involved with the bulk of the bycatch, and the Bay certainly is the leading contender.

But we should probably look at that monthly distribution so the other states can get an idea of if someone wants to go forward with making the bycatch that it is now part of the quota, what the risk is there on a seasonal basis; so monthly data if possible, and I hope that wouldn't be too hard to produce.

CHAIRMAN BALLOU: We're absorbing all these comments and we won't be responding or discussing them, just really like a sponge kind of pulling them all in so they can be conveyed to the PDT, so we'll do that. Other comments? Dr. Pierce.

DR. PIERCE: In the reference points section, there, of course, is a reference to Option B, the Lenfest work relative to ecological reference points. There is also reference to, in this document, an April, 2015 document from the

BERP, the Biological Ecological Reference Points Working Group.

Just a caution that when I read the reference in the document to the working groups evaluation of that particular reference point from Lenfest, I come away with the conclusion that they're saying, don't use it, it's inappropriate. Yet, it is in the document as an option. I know it's important for there to be a more evenhanded treatment of that particular Lenfest document, because when I read other information about it, I have more of a positive outlook.

There is a negative outlook in the text relative to the options, so it is almost a self-fulfilling prophecy that individuals will look at the text and say, why are you actually offering it up as an option; it makes no sense. But it does make sense to offer it up as an option. A more evenhanded treatment, and if there is anything more that's been provided by the BERP since April of 2015 that would be supportive of including it, as a reasonable, feasible reference point, then that should be put into the document.

CHAIRMAN BALLOU: Additional comments? Bill.

MR. GOLDSBOROUGH: I just would add to what Dr. Pierce just said and remind us all that the Lenfest program actually provided feedback to this board after the BERP had evaluated that approach and sent a memo. In that response that was handed out at a meeting about a year ago, maybe it was in May of last year, I forget, they actually addressed a lot of the concerns that the BERP had expressed.

I think, consistent with what David was saying, that ought to be reviewed and maybe incorporated into the representation of that option, as well. Second point, please, I guess I'm a little unclear on what was represented as to the various ecological reference point approaches that would be available under the current timeline for Amendment 3. Some of

them, apparently in development, will take longer.

But it was my understanding that there were a couple that have been under development that are expected to be available. I didn't see mentioned anywhere, the ecopath with ecosim was one, and maybe Megan can comment; but I think maybe the Steel-Henderson was another. In general though, I don't mean to make a comment specific to those options, but I would hope we are casting our net wide.

It is my understanding that there is quite a bit of expertise on this in the Northeast Fisheries Science Center, in particular with Dr. Jason Link. My suggestion would be for the PDT or maybe this is the BERP, I'm not sure, but in the development of the PID and Amendment 3, to consult with Dr. Link and make sure we have all our bases covered on that.

CHAIRMAN BALLOU: That is a BERP Working Group matter, as I understand it. But let's just take the comments for what they're worth right now, because we don't have the time to really get into many back and forth's; but thank you, Bill for that. Any other comments? Seeing none; let's move on.

We've got three last agenda items, and I would like to try to move through these as quickly as possible. I'm sure we're all hungry. The next item is, and by the way just to remind the board. The PID, which will be further developed, will be back before the board at the next meeting. This is just comments on a draft that will come back before you as a draft, and just know that that is happening.

UPDATE ON THE COMMERCIAL MENHADEN FISHERY SOCIOECONOMIC STUDY

CHAIRMAN BALLOU: Item 7, an update on the socioeconomic study on the commercial menhaden fishery being undertaken by Doctors Jane Harrison and John Whitehead, pursuant to a contract with the commission. We have a

brief presentation by Dr. Harrison, who has been patiently here this entire morning with us, up front and to Dr. Harrison, I turn it to you.

DR. JANE HARRISON: I am going to make this brief. I am hungry, I'm cold, and I can't be here much longer. Thank you all. I'm going to give you an update here on the socioeconomic analysis that I'm working on with Dr. John Whitehead at Appalachian State University. If you want to go to the next slide please, and just click through a couple times here. As you click you'll see, this is just a description here; figure those little red circles, just keep it there, show some of the changes that we've seen over the last 15 years with the pounds landed for menhaden. I'm sure most of you are aware of some of these downturns, downturns in the bait fishery at certain times, downturns for the reduction fishery.

We're looking at some of this data, and I'm going to tell you in just a bit about kind of what we're going to be able to find out through our analysis. A big question we have is, how have the quota changes in the past affected the industry of today, and how could future quota changes; future TAC decisions affect the industry as it is?

The study began March, 2016. I'm not sure if you all can read from way far back there. But there are really three types of data that we are relying on for this study. First is the ACCSP data, this is data that I'm sure you all have had access to over the years in different forms; and this really looks at just overall, the pounds landed, the prices, the vessel types, gear types, fishing effort type of data.

We're using that to do some assessments looking at some time trend analyses, so again, how have quota changes, these different special events, affected the industry at different points in time, affected the amount of pounds landed and what's going on in terms of profitability for both the bait side and the reduction industry.

Then we have two other forms of data, so we're collecting some original data here that will be new to you all. The first form is the interview data. We have started with the interview data in Reedville; we're doing three different states. I'm going to get into that a little bit more, but we're looking at Virginia, New Jersey and Maine.

We're really trying to understand industry participants in all of those states. We're trying to understand just kind of this general profile, their economic profile; how important industry is to them; their other sources of employment; and really looking at the supply linkages in the industry, so when a menhaden fish comes out of the water, where does it go?

For the wholesale bait industry, it may end up with a distributor. That may happen in Virginia, and then it may get sold to Maine, where it is then sold to a lobsterman who uses it, who then sells his lobster for a price. We're really looking at this long supply chain, which is something that isn't really out there in the literature from what we can see.

We're doing those interviews, and then we're also collecting survey data. The survey data is going to be with industry participants; again, in those three states, Virginia, New Jersey, and Maine. We are also doing a survey to the public. We're trying to get at just a better sense of how the public kind of thinks of menhaden; what are their perceptions of the fishery; how it is being managed; and what are some of the tradeoffs that they see, in terms of if the quotas are changed, how do they feel about that?

The next few slides just go into a little bit of detail, which I don't want to go too far. I will say the ACCSP data was a little more difficult to get than I was hoping for. It took about four months just to get data approval; so we are just starting to get into that data. We really haven't done any of these time series analyses yet. But we will be doing that over the next few months. We have like I said, started the interviews, and

those interviews are with anyone that we see is part of the supply linkages. We're asking questions about their employment; their revenue; cost of operation; and we're really trying to talk to anyone that we think is part of the supply chain. It may be a fisherman at Omega, it may be a guy who is really a crabber, but he also fishes for menhaden to reduce his costs for crabbing.

It could be a recreational bait seller at a bait shop. We're talking about a lot of different folks, looking at their fishing community; and what kind of changes they've seen due to quotas in the past, so what have been their impacts, and also their social networks. What do they rely on? Who do they rely on to kind of keep afloat in their community; economically, but also kind of more broadly in terms of their wellbeing.

You can just click through a few pictures here. These are just some of the pictures of the types of people we're talking to, and what we're talking to them about. We're looking at all those different products, again talking to the fishermen themselves, talking to lobstermen, talking to those who produce these products; who sell these different products.

We have this interview schedule. If you're in one of these states and you want us to come by and chat, please let us know. We've already gone through Virginia; we might go back if we need to. But we've really chose these states because most of the landings are in Virginia and New Jersey.

Then we wanted to understand the perspective of a state like Maine, who has a much smaller number in terms of their quota, and to see what kind of impact a quota change could have on them. The industry surveys, those will be going out in August, and they were really going to be a complement to the interview data.

Interviews are great for the deep kind of description, the deep understanding of how

the industry works. But the survey data is a population study, so we're really looking at all the industry participants, all the fishermen, all the menhaden fishermen, and all the bait dealers; to really get a sense of whether our interview are representative; the stories we're hearing, are those representative of the industry as a whole.

Finally, again, the public surveys. We're going to be creating a survey that is only going to be going to the states of Virginia and New Jersey. It is not going to the other states, because I think it would be difficult for the public in some of the other states that have very low quotas, to really make tradeoffs.

We're asking the states where there are a lot of menhaden being landed, for that public to think about what are the alternatives. What is the opportunity cost of keeping the quota as it is, of making an increase or a decrease, and really looking at some of the other options as well; so if you keep the fish in the water its role as a forage species, its role as catch or prey for the striped bass, getting them to think about those opportunity costs.

Then the final slide, so just so you know our timeline. We're going to finish data collection in October. We'll be doing our data analysis primarily November through January. I do plan to come back with Dr. Whitehead at your February meeting to give results; if you all are interested for that we would be happy to come. Then we will have a draft final report by the end of February, and then the final report by the end of March. Thank you all, and feel free to talk to me afterwards if you have any questions. I don't know if we have time now.

CHAIRMAN BALLOU: Limited time. I guess my one question would be, is there anything that the board members can do to help with your response rate issues? Meaning, are those folks you're contacting, is that a confidential dataset or is it something that you would be comfortable sharing, and if so, is that something

that board members can help encourage members of their industries to respond?

DR. HARRISON: That would be great. I have been very fortunate with the Fisheries Agencies in Virginia, New Jersey and Maine; they've all been very responsive in getting us contact information. Some of that contact information has been mailing addresses, phone numbers and e-mails. I would have to check on whether I could share that with just anyone.

I'm not sure that that would be kosher. If you have your own networks though, and you can send messages out to those that you're in contact with, that you're going to be getting information about the study that would be very helpful. Bob; let's talk more about if I can get an announcement to everyone. I think it would make more sense for you to send to whatever networks that you already have, versus me sharing a contact list that I think is likely confidential.

CHAIRMAN BALLOU: That makes a lot of sense to me; other questions, comments from the board.

MS. FEGLEY: I thank you for your presentation. I just feel compelled to get this on the record. As a huge proponent of this effort, I am a little disappointed that there is no interview effort happening in the state of Maryland. We are in a very unique spot, because we are the largest artisanal bait fishery, so we do not have the big purse seines, we do not have the snapper rigs.

We have fishermen and small communities up and down our eastern shore who rely on this and other fisheries for their income; and part of the problem that we've faced, is understanding the values and impacts within this artisanal fishery versus the larger scale fisheries. I just thank you for your efforts, and just to say, also, that I have been talking to our fishermen about this. They are standing by ready to talk. I would just, if there is any way to get any

information from our state, I would really appreciate it; and thank you.

DR. HARRISON: Yes, I think that is a good point, and just to touch upon that. I only have so much time. This is a short study, so we couldn't go to every state. But what we are attempting to do is to look at the entire supply chain. If there are say, menhaden fishermen selling to distributors that then the fish is ending up in Maryland, in Delaware, other places, then we will try to track down some of those linkages; because we want to see complete supply chains.

Basically, our goal is to describe every kind of different type of supply chain out there. I would be happy to talk to you more afterwards, just to make sure we're not missing something that is distinct in the industry. But we are going to have data from every state through the ACCSP data program.

We may have examples that come out of Virginia and New Jersey, but we should be able to say whether those examples, the interviews, represent a similar type of industry profile in Delaware, Maryland and other states. We will try to make that clear and make those connections.

CHAIRMAN BALLOU: Any other points? Yes again, limited time; but Jim and then Loren.

MR. GILMORE: My question is similar to what Lynn raised, and maybe you're going to cover this. I think your answer sort of maybe alluded to it. Those smaller states that have a bait fishery or whatever, but then you connect that to rather, I don't what the right term is. We go from artisanal fishery to recreational fisheries; some with high value to them, based upon different ports and elite ports whatever.

There is a whole section of where they're using that bait for multipliers for the crabbing, recreational crabbing and through all those things. You start out looking at a very small bait

fishery, but then when you connect all those multipliers, this thing actually may eclipse the reduction fishery, because of its value. Is that going to be looked at in terms of your analysis?

DR. HARRISON: Yes, we are definitely focused on understanding all of the different players in the industry. We're looking at the reduction side, but we're definitely looking at all of these different ways the bait fish is used. It does have a lot of distinct kind of ways that it travels and ways that it ends up to end users.

Whether it is for recreational bait or for commercial bait, whether it is just sold to some guy off the boat dock, we're trying to kind of look at – I don't know exactly what you mean by artisanal, small scale, but that is something we can talk about afterwards. I would like to make sure that I've covered that so far in who I've talked to.

CHAIRMAN BALLOU: I just want to wrap this up, but it sounds like Dr. Harrison is going to make herself available, both immediately after this meeting and even after that. Loren, did you want to jump in real quick?

MR. LUSTIG: Thank you for a fascinating report. You did mention that you are canvassing the public. A bit of clarification might be helpful. Would that be people who have some involvement or attachment to the menhaden, or would it be a cross-section of society, and if it's the latter then you might be able to have some conclusion regarding their basic knowledge level and how articulate they are about the whole issue.

DR. HARRISON: Yes, it's a cross-section, so this is a general public survey and we are trying to get at their general perceptions, their general attitudes; as well as asking them some of the more difficult tradeoff questions. I mean, because you can ask people, would you like there to be more striped bass that you can catch; sure, yes. But are you willing to then

make a cut to an important commercial fishery that supports jobs in a community near you.

We're really trying to make them think about these tradeoffs and we're going to give them a couple different options. Our survey instruments, we've been trying to get extensive feedback, as much as we can from the members around this table, from other social scientists that work in fisheries; and the industry participants. If you're interested in giving any feedback, especially on that public survey that is the last one to be developed, and we have not finalized that yet. We'll be sending that out for review soon, and we would love to hear your feedback.

CHAIRMAN BALLOU: With that, I'm going to wrap up that agenda item. We've got two last items before we break for lunch. The next quickly, but importantly is to note that the AP membership for menhaden needs to be refreshed. Jeff Kaelin, who is the chair, acknowledged this on a recent call. Megan may offer a little bit more clarity, but basically what we need to do is call upon the board to review the AP list.

DISCUSS ADVISORY PANEL MEMBERSHIP

CHAIRMAN BALLOU: We've got a number of vacancies; we also have a number of positions that have just basically seemed to have faded and that folks have not been participating for quite some time. We need to refresh, fill vacancies, reappoint, if needed, for folks who have for whatever reason kind of falling through the cracks, and make sure we've got a well constituted AP; particularly as we move through the Amendment 3 process. Mega, do you want to just offer some thoughts on how the board can offer a review and comment on the issue?

MS. WARE: I think there are two issues. We have vacancies, and then we have people who are on the AP but not participating. For states with vacancies, I'm just going to say who they are, because there are quite a few; Georgia,

Virginia, North Carolina, South Carolina, Connecticut, Massachusetts and New Jersey.

You guys all have vacancies, so those can be easily filled by filling out one of the forms. I can e-mail it to you. Then it has to go through board approval so we can do that electronically once we have a batch. In terms of people who are on the AP, but maybe not participating. It will be helpful if states could reach out to current AP members, make sure they're interested in participating in the Amendment 3 process. That would be very helpful.

CHAIRMAN BALLOU: I believe there is a handout in your materials that really sets the stage as to where things stand. I would really strongly urge all the states to look at how things stand. Move on this as quickly as possible, because I think the AP is looking to reconvene again as early as like September.

This is something that we would hope you would jump on more or less right away, get a batch of forms in, and then there will be some sort of board review; perhaps via e-mail as need be. Any other questions or comments on that issue? I think everyone is clear on the need for getting a good AP constituted.

OTHER BUSINESS

CHAIRMAN BALLOU: Okay, we're on to the last item, which is other business, which is Terry Stockwell and Maine.

MR. STOCKWELL: Many of you heard, but I want to report out to the board that for the first time since 2008, Maine has got a huge abundance of menhaden in our coastal waters. Anecdotal reports started trickling in 1mid-July, primarily from the Mid-coast and Casco Bay Area. Stock abundance and directed fish1ery effort have both quickly wrapped up since.

In your meeting materials, you should find copies of Maine's menhaden rules, reporting rules, and the emergency regulations, and I'm

going to refer a little bit about each of them. Maine has two primary rules in place; associated with the landing of menhaden. First is, pelagic license, any vessel that fishes for or lands menhaden is required to possess a state pelagic license; which has a number of trip level effort and landings data requirements.

The second is our reporting program, and to summarize the program, if a vessel is federally permitted and reports electronically, DMR will have the data the same day. If a vessel sells to a federal dealer, the earliest DMR should see the data would be the middle of the following week. If vessels are selling to a state only dealer that data would not be due until the middle of the following month. State only harvesters are required to report trip level data monthly; however, there is generally a lag and the department usually doesn't see these reports until the harvesters try to renew their annual licenses.

That all being said, the only hard numbers our landings group had until late last week were from one vessel that landed one day the prior week. Obviously, that data was confidential, couldn't be released or used to accurately monitor or close the state allocation fishery; and at this point I can disclose, it was less than our annual state allocation of around 161,000 pounds.

We were aware of other landings, but there are no other hard dealer landings or harvester reports, and it was during that time period that I relayed my concerns both to Megan and to Chairman Bob. After a number of calls with Megan and Toni, Maine developed and published emergency rules to implement the episodic dealer reporting requirement and to address several issues that were raised by the Plan Review Team.

We published the rules this past Sunday. For everyone's information, as of Monday our dealer reported landings, prior to the episodic declaration, totaled about 1.85 million pounds.

I am going to be reaching out to every state this fall with unused state allocation quota, to help us balance our books. This morning's discussion was a little interesting, and I can hardly wait to have it again in Maine in the fall.

To address a question that was raised, why Maine didn't track the landings on a daily basis prior to implementing the episodic program requirements, State Agency, DMR cannot, did not allocate the staff or research to monitor daily landings of a fishery that we haven't had for eight years. At the beginning of this week the approximate amount of the episodic quota was 3.5 million pounds, and at the current rate of landings we project the entire amount could be landed within the next couple weeks.

Consequently, Pat has been working with our staff back at the office, and we will be closing the fishery effective this Friday, in order to let the dust settle, allow for a full accounting of the landings and effort, and to consider any additional emergency regulations to better scale a fishery to any additional available episodic quota.

I want to be quite clear to everybody. We have zero intention of exceeding the episodic quota. However, we haven't had an influx of fish like this since 2008; and prior to that time, there were a number of significant fish kills in multiple bays and rivers all throughout the mid-coast area, and the resultant public health issues.

DMR is currently monitoring the dissolved oxygen levels in these rivers, and we'll be conducting periodic aerial observations using marine patrol aircraft. Following the closure of the episodic fishery in Maine, we're going to be in the difficult position of estimating the abundance of menhaden in or near these river systems; and considering whether or not striped bass and the other prey is prevalent in this really unusually hot summer will drive the menhaden up the river.

In our menhaden rules is specific language that allows a commissioner to suspend the closure rules to prevent fish kills; should that happen I'll be on the phone to Megan immediately. That is where we're at; we've got a huge state allocation overage. We're trying to manage our episodic quota. Unfortunately, I think we're going to tank the entire quota, and for the other states this year.

ADJOURNMENT

CHAIRMAN BALLOU: Any questions for Terry? Seeing none; we have completed our business for the day. Is there any objection to adjourning? Seeing none; we are adjourned, thank you very much.

(Whereupon the meeting adjourned at 12:22 o'clock p.m. on August 3, 2016.)