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

November 9, 2004
New Castle, NH

Approved February 9, 2005

ATTENDANCE

Board Members

Lewis Flagg, ME DMR
Sen. Denis Damon, ME Leg. Appte
Patten D. White, ME Gov. Appte
John Nelson, NH F&G
Rep. Mary Ann Blanchard, NH Leg. Appte.
G. Ritchie White, NH Gov. Appte.
William Adler, MA Gov. Appte.
Dr. David Pierce, MA DMF
Vito Calomo, MA, proxy for Rep. Anthony J. Verga
William Adler, MA. Gov. Appte.
Everett Petronio, RI Gov. Appte.
Eric Smith, CT DEP
Sen. George L. Gunther, CT Leg. Appte
Dr. Lance Stewart, CT Gov. Appte.
Pat Augustine, NY Gov. Appte.
Gordon Colvin, NY DEC
Tom Fote, NJ Gov. Appte.
Bruce Freeman, NJ DF&W
Dick Herb, NJ, proxy for Assemblyman Robert Smith
Jeff C. Tinsman, DE Div F&W
Dr. Timothy Targett, DE Gov. Appte
Russell Dize, MD proxy for Sen. Richard F. Colburn
William P. Jensen, MD DNR
Bruno Vasta, MD Gov. Appte.
A.C. Carpenter, PRFC (Vice Chair)
Jack Travelstead, VMRC (Chair)
Wilford Kale VA, proxy for Catherine Davenport, Gov. Appte.
Niels Moore VA, proxy for Sen. John Chichester
Damon Tatem, NC Gov. Appte
Preston Pate, NC DMF
David Cupka, SC DNR
Robert Boyles, SC,proxy for Sen. John Drummond
Spud Woodward, GA Coastal Resources
John Duren, GA, proxy for Ralph Balkcom Gov. Appte.
Gil McRae, FL FWCC
Steve Meyers, NOAA Fisheries
Bill Cole, USFWS

Ex-officio Members

Matthew Cieri, ME DNR, Technical Committee Chair
William Windley, Advisory Panel Chair

Staff

Vince O'Shea
Robert Beal
Nancy Wallace
Carrie Selberg

Guests

Howard King, MD DNR
Ed O'Brien, MD Charterboat Association
Leo S. Robbins, Omega Protein
Jane Crowther, Omega Protein
Lyell Jett, Omega Protein
Mike Bloxom, ASMFC LEC
Bill Goldsborough, MD CBF
Roy Miller, DE Div Fish & Wildlife
Anne Lange, NMFS
Rep. Dennis Abbott, ASMFC Leg Proxy NH
Derek Orner, NOAA Chesapeake Bay
Alexi Sharov, MD DNR
Harley Speir, MD DNR
James Price, CBEF
Ed Cherry, ASMFC Menhaden AP
David Gittins, ASMFC Striped Bass AP
Amy Shick, Environmental Defense
Steve Bowman, VMRC
Susan Gaston, Omega Protein
Toby Gaston, Omega Protein
F Wayne Mcleskey, Jr. VMRC
Jiti Holland, PRFC
Chris Bonzek, VIMS
Don Swanson, CCA NH
Dick Brame, CCA
Robert Glenn, CCA MD
Wilson Laney, US FWS
Ken Hinman, NCMC

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Summary of Motions

Move to approve the minutes from August 2004.
Motion by Mr. Augustine, second by Mr. Adler. Motion carries.

Move to approve the PRT report.
Motion by Mr. Augustine; second by Mr. Calomo. Motion carries.

Move to approve *de minimis* status for Georgia and South Carolina.
Motion by Mr. Cupka, second by Mr. Carpenter. Motion carries.

Move that:

1. **Staff is directed to examine existing multi-species and ecosystem based fishery management plans for forage species and provide a summary of the management objectives, reference points and monitoring involved in implementing these management plans.**

2. **The Technical Committee is directed to:**
    - **A. Advise the Management Board on the feasibility of applying the multi-species or ecosystem based management summarized by the staff from existing management plans.**
    - **B. Advise the Management Board on the likely causes for low recruitment in Chesapeake Bay and a comparison of recruitment trends in other estuaries along the coast.**
    - **C. Review the stock assessment model; evaluate the issues of inverse catchability, weighting factors for recruitment indices, and total mortality and advise the management Board on the inclusion of ecological reference points in the model.**
    - **D. Evaluate ecological reference points and recruitment indices for Chesapeake Bay and advise the Management Board on the incorporation of Chesapeake Bay values in the stock assessment model or whether a separate stock assessment model can be developed for Chesapeake Bay.**
    - **E. Evaluate whether the effects of time and space openings/closures of fishing and harvest caps in Chesapeake Bay and coastwide can be modeled, measured, or monitored well enough to be considered for management tools.**
    - **F. Advise the Management Board if localized depletion of menhaden stocks in Chesapeake Bay is occurring or likely to occur under current management of the coastwide stock of menhaden. (highest priority)**

3. **The Atlantic Menhaden Management Board recommends to the ISFMP Policy Board to establish a Multispecies Technical Committee for the purpose of continued review and consideration of multispecies management.**

The Atlantic Menhaden Management Board desires to have a preliminary report by the Staff and Technical Committee by the August 2005 ASMFC Meeting Week. The Board will meet jointly with the Technical Committee at the February 2005 ASMFC Meeting Week to develop revised goals and objectives for menhaden management to incorporate ecologically based reference points in the stock assessment and management measures for menhaden.
Motion by Mr. Jensen, second by Mr. Meyers. Motion carries (17 in favor).

Move that we begin the process to create an Addendum to cap harvest at current levels.
Motion by Mr. Petronio, second by Mr. P. White. Motion tabled.

Move to table the motion.
Motion by Mr. Travelstead, second by Mr. Calomo. Motion carries (12 in favor, 4 opposed, 1 abstention).

ATLANTIC STATES MARINE FISHERIES COMMISSION
ATLANTIC MENHADEN MANAGEMENT BOARD

Wentworth by the Sea
New Castle, New Hampshire
November 9, 2004
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The Atlantic Menhaden Management Board of the Atlantic States Marine Fisheries Commission convened in the Wentworth Ballroom of the Wentworth by the Sea, New Castle, New Hampshire, on Tuesday, November 9, 2004, and was called to order at 7:30 o'clock, a.m., by Chairman Jack Travelstead.

CHAIRMAN JACK TRAVELSTEAD: Good afternoon and welcome to the Atlantic Menhaden Board. We have a full agenda this morning and three hours to accomplish it in. I hope you will help me in getting through this. The first item on the agenda is approval of the agenda. Are there any additions to the agenda at this time? Pat.

APPROVAL OF AGENDA

MR. PATRICK AUGUSTINE: You asked if there were any comments or additions or corrections?

CHAIRMAN TRAVELSTEAD: On the agenda, any changes to the agenda.

MR. AUGUSTINE: I move to approve the agenda.

APPROVAL OF PROCEEDINGS

CHAIRMAN TRAVELSTEAD: Is there any objection to approving the agenda as it currently stands? Seeing none, the agenda is approved. Item 3, approval of the proceedings from August 2004, the minutes of that meeting were distributed. Are there any corrections or additions to those minutes? Pat.

MR. AUGUSTINE: Move to accept the minutes.

CHAIRMAN TRAVELSTEAD: There is a motion to approve the minutes, seconded. Is there any objection to the motion? Bill Adler seconded the motion. Seeing no objection, the minutes are approved.

PUBLIC COMMENT

Item 4, public comment, could I see a show of hands at this point from those in the public who wish to speak this morning. Okay, we've allotted approximately ten minutes for public comment. I saw about eight or nine hands go up.

We'll start in the front row on this side of the room and if you raised your hand, there's a public microphone over here. We'd ask you to come up to the microphone. You might want to queue up behind him so that we proceed as quickly as possible. I'm going to have to limit you to about three minutes each to get through this.

MR. JAMES CONNORS: All right, I'll speak fast. My name is James Connors, and I'm the president and senior principal scientist of Ecosystems, Incorporated. We're a national environmental science and engineering consulting company.

We've been asked to review scientific literature associated with potential overfishing of Atlantic menhaden stocks. After reviewing this evidence, our scientists have reached the conclusion that the Atlantic menhaden fishery is not currently overfished as some stakeholders have suggested.

Because of the ecological and economic importance to the nation, the Atlantic menhaden has been one of the most intensely studied species over the past 50 years. Menhaden populations have been tightly regulated and monitored for decades to ensure that the fishery remains sustainable.

Over the past ten years alone, approximately 50 percent of the menhaden fishery has been closed to commercial fishing. In addition, commercial fishermen have voluntarily reduced menhaden fishing pressure, reducing the Chesapeake Bay commercial fishing fleet to just 12 vessels, and instituting significant voluntary harvesting restrictions.

The state and federal regulatory scientists that oversee the Atlantic menhaden resource agree that stocks are at healthy levels. The spawning stock biomass is currently above the target level needed to sustain fish stocks.

More than adequate numbers of large, reproductively active female menhaden exist, ensuring the continued health of the population. Recruitment has been below average in recent years and this appears to be

the result of poor survivorship of juvenile fish prior to entry into the fishery at age one.

However, juvenile menhaden measured in these recruitment evaluations are not targeted by commercial fishing gear, but are the preferred forage of predacious sports fish species such as the striped bass, bluefish and weakfish.

Not surprisingly, the Atlantic States Marine Fisheries Commission scientists have suggested that predation by these species may be responsible for observed recruitment shortfalls.

The 2001 status of Atlantic menhaden stock in the fishery report by the Atlantic Menhaden Technical Committee states, "There is no evidence that recent low levels of recruitment have been caused by overfishing."

Furthermore, preliminary scientific models suggest that the increased occurrence of undernourished striped bass in Chesapeake Bay, fish that prey heavily on juvenile Atlantic menhaden, may be the direct result of an overabundance of striped bass rather than problems with the menhaden stock itself.

In conclusion, I'd just like to say that it seems like a lot more scientific study needs to be undertaken before we engage in what appears to be knee-jerk restrictions on commercial menhaden fisheries.

Obviously, there's still a lot of questions that need to be answered, and there are a number of very complex interactions in the food web that need to be evaluated and further study is obviously warranted.

But, knee-jerk reactions without further scientific evaluation could have very strong, possibly catastrophic effects on the entire food web rather than actions that are defined and warranted by good science. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you. Who is next? Ken.

MR. KEN HINMAN: Thank you, Mr. Chairman. I wanted to very quickly run through how we got to where we are. Ken Hinman, president, National Coalition for Marine Conservation.

A year ago, at your annual meeting in December, my organization and a number of others that are represented here today and ones that are not brought to you a number of concerns that we have about the Atlantic menhaden population, particularly in Chesapeake Bay, and the way the fishery is being managed.

That was not the first time that you've heard of these concerns, but it was a meeting where the management board set up a process to start examining these concerns and to see if some kind of interim management action was appropriate.

We supported having the technical committee examine our concerns at a meeting in February, which they did. They affirmed that the ecological role of menhaden and the concerns about it diminishing were very important concerns and admitted that their stock assessment, which was completed in 2003, cannot answer the questions about localized depletion or concerns that there is not enough forage for striped bass and other predators.

In May you agreed to set up a workshop, which was held in October, which brought together for three days scientists that are working on a lot of predator-prey issues, ecological issues, menhaden, striped bass, disease, et cetera.

At that workshop -- and I wish every one of you could have been there -- we heard five or six of the scientists who have done the studies that are the basis for a lot of the public concerns that you have heard about over the last couple of years, they discussed their studies, their concerns, and a lot of them believe that there is a problem.

There are problems with malnourished striped bass and other predators such as weakfish. There are problems with disease in the bay. There are problems with the increasing mortality of striped bass that is not attributable to the fishery.

They could not draw a direct link to the lack of menhaden, but they did note that there was diminishing population of menhaden and that this was very possibly a cause of these problems.

They also noted that the only good thing in the stock assessment that keeps menhaden from being overfished now, since the population is as low as it was back in the late '60s and early '70s, when it was declared overfished and considered severely depressed, was the estimate of a healthy spawning stock.

There were concerns raised by scientists at that meeting that that possibly is overestimated; and if that is incorrect, then we do have a serious overfishing problem. As scientists they had a lot of

good recommendations for moving ahead with research, and you will hear about those later on in the report, and we support those.

Since that workshop, my organization and three others have come together in a coalition called Menhaden Matter, and we've joined our concerns of environmentalists and fishermen on the East Coast to ask that the ASMFC do something in the interim while this research is ongoing.

What we have done -- and this represents I think a consensus on our part and a I think a very responsible and reasonable recommendation -- is that the ASMFC maintain the menhaden catch at its present level, temporarily, while this research and some of these answers come in.

I'd like to contrast that with the position that people in the industry have taken which is that there should be no limits on the fishing, that the catch of menhaden should be permitted to increase even though that they have stated to me and to I think a lot of you and publicly, that they have no intent to increase it.

So, we propose this as a very responsible and reasonable approach to take in the interim while we do figure out exactly what is going on. There are problems out there. They may be attributable to the lack of menhaden.

There are fewer menhaden then there used to be. This is a response that the board can take without taking away a single job or a single dollar from the industry. Thank you very much.

CHAIRMAN TRAVELSTEAD: Thank you. Next. Yes, sir.

MR. LEO ROBBINS: Mr. Chairman, members of the board, good morning. My name is Leo Robbins and I am employed by Omega Protein as captain of one of their menhaden fishing vessels. I appreciate very much the opportunity to speak to you today.

I want to make just a few brief comments about the current state of the menhaden fishery of the Chesapeake Bay and other items that I understand will be included in today's discussions. I've been actively employed in the menhaden fishery for 22 years as a crewman, mate and finally as a captain of a menhaden vessel.

My father and both of my brothers were also captains of boats, so I have been truly involved with the fishery all my life. In all of these years, I've noted that the fishery and the people in it have often been misunderstood by the people on the outside.

This in turn has lead to many unjust and untrue accusations against us. I would like to take this opportunity to respond to a few of the allegations that have been raised against the fishery.

The first of these issues is bycatch. By this, of course, I mean catching fish other than the menhaden. There are official reports that have listed menhaden purse seining as to have the least amount of bycatch of any other fishery in the United States.

With the support of our spotter planes, we can positively identify menhaden. Omega Protein employs seven pilots that log over 1,200 hours of flying time annually. Each is able to distinguish not only the size of the menhaden but the amount of each school that they may yield.

A second point that I've often heard is that the menhaden we catch deprive other species such as the bluefish, the weakfish and striped bass of necessary food. For us to catch menhaden with our seine nets, the fish have to be schooled up so they can be visually seen.

This season has been a very frustrating one for us in the Virginia Upper Bay Region. We have marked a lot of fish in the waters, but they have been in real bad shape. And when I state this, I mean the fish have been vastly spread out in small schools.

The gill netters that work the same region have abandoned setting their nets due to the large number of menhaden that have run their nets full. The ratio of menhaden to food fish have been about eight to one, making a lot of work with little or no profit towards them.

We are only allowed to fish the Virginia portion of the bay, and this has been the case since the 1930s, and it serves to make Maryland's portion of the Chesapeake a vast sanctuary for menhaden.

The menhaden migrate into the bay as early as March, and I can testify to this by having the opportunity to help other commercial watermen with fishing their pound nets and gill nets in my off season.

Our menhaden season starts as early as May 1st and ends in the middle of November. After that, we have

to rely solely on the Atlantic Coast. I can tell you the weather dictates day-to-day operations with that. Last season we fished about ten days in both November and December combined.

We have also been accused of catching all the juvenile fish in the bay, and our company wishes to avoid this practice at all cost. "Small-class fish", as we refer to them, are not as profitable as the large adult fish and we hope that the small fish survive and will come back for the next season.

There have been allegations from special interest groups that our purse seine fishing efforts have been cutting off the menhaden supply line to Maryland waters, preventing rock fish, bluefish and weakfish from getting a sufficient food supply.

Just this past week in our local paper, I read an article by Captain Billy Pipkin, called "The Fishing Lines." He writes, and I quote, "Striped bass fishing is red hot locally, has no signs of cooling off in the near future. The populations are healthy and swelling day by day."

Captain Pipkin operates a charter fishing boat. He fishes both Maryland and Virginia waters. The bottom line is he and his fellow sportsmen are -- you know, they're catching fish, we're catching fish, so it seems we all should be happy.

I can't see any basis for the contention that seems to have arisen between the sports and the commercial fishermen. Finally, I would like to say that the menhaden fishery has been an important part of my life and generally important and beneficial for the economy.

I and my fellow captains, past and present, have worked very hard to try to be good stewards of our fishery as well as good neighbors to the other groups who use and enjoy the Chesapeake Bay.

Our seven planes and ten boats have assisted numerous rescues over the years of people whose boats have sunk and experienced other emergencies. Our spotter planes have helped out charter boats and private fishermen by directing them to schools of blues and rock fish when they spot them.

In closing, I would like to say to you the menhaden fishery personnel are a group of hard-working people that are very proud of their heritage. We've worked long hours and braved many dangers on land, sea and in the air with a deep passion for our industry.

The menhaden fishery has been very good to me and my family, and I would like to see the same opportunity available for future generations. Menhaden have been caught commercially for over 200 years.

I feel that this fishery can continue to coexist in harmony with other groups on the water, and this is my sincere wish. And, ladies and gentlemen, once again I thank you for this opportunity to address the board.

CHAIRMAN TRAVELSTEAD: Thank you. Next. Yes, ma'am.

MS. JANE CROWLER: Jane Crowler, Omega Protein. The menhaden industry has notoriously been marked as producing fishmeal and oil for cat food, and I think it important that everyone here know that this industry produces delivery systems of Omega 3 fatty acids for health and maintenance of not only food animals but humans as well.

The Omega 3 delivery systems produced by Omega Protein resulted in the Omega Protein Health and Science Center, which has been termed "the New Refinery at Reidville." As senior director of that facility, I think it also important that you know that this facility replaces our 1950s vintage oil refinery so that we can better refine fish oils produced at Reidville.

It's also important that you know this facility is designed to highly refine the amount of crude oil currently produced by that facility at Reidville. Fifteen to twenty thousand metric tons of crude oil is produced in Reidville, crude menhaden fish oil.

The Health and Science Center will further produce highly refined fish oils for food to the tune of 15,000 to 20,000 metric tons as well. We don't need more fish for this facility. I think it's very important that you know that. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you. Any additional speakers?

MR. JAMES PRICE: I'm President of the Chesapeake Bay Ecological Foundation. Thank you, Mr. Chairman. I want to thank the board for recommending the menhaden workshop. I think even though there may not have been strong recommendations coming out of it, there was some information developed that will be very helpful to the board.

I wanted to mention that I was asked by the steering committee to make a presentation in the form of a report to the workshop. It has been mailed out to everybody I think at the board, but I do have some additional information which I passed out today.

It's called "Revised Summary of the Recommendations Presented at the Workshop." And in that report, the fourth page in, I talk about striped bass removals and purse seine removals of Age 3 menhaden.

There is a chart back behind that sheet that shows you what happens when you add striped bass predation to the purse seine removals. It is significant. I won't go into that, but all I want to do today is read a summary of what I found and information that was put together after the workshop that is extremely important, I think, for the board.

My report says that after review of the Atlantic States Marine Fisheries Commission's Menhaden Stock Assessment reports, I discovered information that indicates that the National Marine Fisheries Service model projections may be overestimating menhaden spawning stock and giving the impression that the menhaden stock was healthy and not being overfished.

The stock assessment reports are based on data collected and analyzed by the National Marine Fisheries Service and contained errors in the estimated population at age tables, incorrect estimates of natural mortality at age, and statements claiming there is no evidence that recent low levels of recruitment were caused by overfishing.

Fishing was not the only reason found to be causing an increase in the number of Age 3 menhaden being removed from the spawning stock. Increased predation by large striped bass is also reducing the menhaden spawning stock considerably.

But since 1992, the purse seine fishery has annually removed approximately half of the estimated spawning stock. The purse seine bait fishery accounted for 24 percent and the purse seine reduction fishery 76 percent.

What was really disturbing to me was that I found from 1993 to 2002, during a period of poor menhaden recruitment, the average percentage of Age 3 menhaden in the landings increased three-fold compared to the previous 30-year average, a classic example of what often occurs before fish stocks collapse.

Potomac River pound net catches of menhaden provide the only adult indices used in the National Marine Fisheries Service's menhaden stock assessments, and it indicates the adult population of menhaden is declining to historic lows of the 1960s.

In 1992 purse seine fishery landings combined with forage demand of Age 8 plus striped bass totaled 80 percent of the estimate population of Age 3 menhaden. The following year menhaden recruitment in Maryland's portion of the bay was the lowest in 23 years, and it has continued to remain poor.

Purse seine reduction landings of Age 2 menhaden, the age class upon which this fishery largely depends, has been declining since 1993 and declined 52 percent from 1998 to 2002, even after plant consolidation of the two plants in Reidville.

From 1963 to 1992 reduction fishery landings of Age 3 menhaden averaged 6.8 percent by number and increased to an average of 20 percent from 1993 to 2002, causing a decline in the menhaden spawning stock biomass.

In 2001 Age 3 plus menhaden represented approximately 45 percent of the reduction fishery landings by weight because poor recruitment had reduced the availability of younger fish in the Chesapeake Bay region.

Consecutive years of poor recruitment in the Chesapeake Bay since '93, a three-fold increase in the percentage of Age 3 plus menhaden in the reduction fishery landings, and increased striped bass predation has reduced the SSB to a level which may cause the stock to collapse.

A large percentage of adult menhaden in the landings relative to sub-adults may indicate lack of availability of sub-adults as occurred in 1961 and 1962 and again from 1995 to 2002, periods where recruitment overfishing depressed the menhaden stocks.

The Maryland DNR Chesapeake Bay's menhaden stock assessment indicates six of eight estimate of menhaden fishing mortality rates of Age 1 plus menhaden in the bay after 1992 were comparable to estimates during 1965 to 1968, a recognized period of overfishing.

The menhaden stock assessment underestimates total mortality of Age 3 plus menhaden because the

increase in striped bass predation isn't detected in the NMFS projection model. Therefore, the projection model overestimates menhaden SSB.

Even though menhaden SSB estimates by the National Marine Fisheries Service projection model are optimistic, the biology had harvest data discussed in this report indicates that SSB has declined below the level needed to sustain the population.

On the next page you will see two charts at the bottom of the page that show you the only adult index and how it's going down the Potomac River. And if you look on the right, you'll see the percentage of spawning stock that's being removed, and this was a thing that should have sent up a red flag.

I've talked to board members, technical committee members, and none of these people were aware of this. I think this is probably the most important thing that we should be concerned about is removing too much of the spawning stock when recruitment has been poor for all these years.

I've listed the things that indicate that if the stock existed or didn't exist, I wanted to make a list. I couldn't find anything to list that implies that they indicate except a computer model on paper, but I found ten things to indicate why the healthy stock may not exist.

I found most of those, seven of them, in the stock assessment reports. You'll see that some of the most important were the reduction fishery landings of Age 2 menhaden, the age class the fishery depends on, has declined 74 percent, like I mentioned.

The menhaden juvenile abundance seine indices from North Carolina, Virginia, and Maryland were highly positively correlated with the Potomac River pound net catch per unit effort index.

That's a very important comparison. And based on also the stock assessment done in the Chesapeake Bay, that all the indications are that a healthy stock of menhaden, Age 3 plus, do not exist. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you, Jim. Next.

MR. ED O'BRIEN: Thank you, Mr. Chairman, members of the board. My name is Ed O'Brien. I'm an officer of the Maryland Charter Boat Association, and I'm vice chairman of the National Charter Boat Association. Both of these organizations appreciate the time you are putting on this menhaden problem.

When I came and talked before you this spring, the technical committee was not prepared to put any time or any money on this problem. We deeply appreciate the course that it has taken since then, so we want to thank you for that.

Now I guess my information or my few comments are about as anecdotal as it gets, but it might be the most reliable clue that you can get relative to what this problem is. Basically it sounds to me, and I see the problem being mainly in the northern part of the Chesapeake Bay, particularly in Maryland.

Gentlemen, we have 400 fishing guides on the bay; and the way we see it or the way we don't see it is menhaden getting through. The stocks have definitely, definitely diminished over the last several years.

Now during the week, charter boats are about the only people that are out there, but our fleet is out there every day, so please put some credibility to our observations out there. Now why are we so upset?

I heard of a Captain Pipkin in a previous conversation that says that the striped bass are eating all the menhaden and that's the problem. Well, he's advertising in a magazine just like I do, and, of course, you're going to emphasize the positive.

What we're worried about with the striped bass and the other game fish, the sea trout, the bluefish, is that they're leaving our area of the bay prematurely because of the lack of feed, and they're heading south.

We're also concerned that the bluefish, the sea trout, the other game fish just aren't getting through because of what we observe is a reduction in the feed that's there for them. We don't want to put anybody out of business.

We would like to see some kind of an interim approach to this. I don't know what it would be, but there is plenty of intelligent people to work with this around this table that may have some ideas as how to do it, whether it's caps or whatever it is.

Now, one other side comment I've got to this whole menhaden issue is we don't appreciate the fact that some spokesmen tie the lack of menhaden or tie other problems, perceived problems with rock fish into this menhaden problem.

Our business is down and that hurts us a lot. You've heard the fable about all these sick fish in the Chesapeake Bay. I'm telling you these fish we are catching are very, very healthy, very healthy. We just don't want them to leave so soon. So, basically I think that sums up my comments and I appreciate the opportunity to address this board. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you, Ed. Next.

MR. DAVE GITTENS: My name is Dave Gittens. I live in York, Maine, not too far from here. I just won't take too much of your time. I have an observation to give you. I'm a local recreational fisherman and a fishing guide as well.

It has been probably more than 15 years since I've seen any numbers of large menhaden, any schools of large menhaden anywhere within the rivers or outside, so I'm just wondering why. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you. Anyone else? Is there anyone else after Jeff? Seeing none, Jeff, you're going to be the last speaker, and we're going to move on with the agenda.

MR. JEFF KAELIN: Thank you, Mr. Chairman. We had written a statement. I'm Jeff Kaelin, Winterport, Maine. I'm here with Omega Protein. I've been in the commercial fishing industry a long time, also a recreational fisherman and a charter boat captain myself up in New England where we see an awful lot of small menhaden.

You have a lot of scientific information in front of you, a lot of decisions made by the technical committee over time, including the September 23 report when they went and reviewed the reference points to determine whether or not an assessment should be done and so forth.

You've got the menhaden matters site and their spin on the workshop recommendations that you're going to see. We've developed a site, menhadenfacts.org. Some of you, I sent that to you last week when we spoke on the phone. So you've got different ways to spin the workshop report that you're going to be reviewing in a few minutes.

To me, though, to our companies, our major interest right now is focusing on the research agenda and how we can assist and support studies that would be developed by appropriate scientific institutions to implement the research recommendations the technical committee is developing.

We made this same offer in May saying that our vessels and platforms could possibly assist these studies. Unfortunately, when we were making that offer, a letter had already gone to the Hill in March from Atlantic States Marine Fisheries Commission with very much a shorthand description of research needs, focusing on the single-stock management strategy and determining whether or not there should be a separate stock unit managed in Chesapeake Bay.

Well, that language really has absolutely nothing to do with the research recommendations that were subsequently developed by the technical committee in June, and those really don't square very much with the research recommendations in Addendum I.

We still haven't seen the last copy of the habitat section of Addendum I, so we're kind of in the dark here. But, essentially I think that we need to really work closely with everybody concerned about this resource, whether it's in the Chesapeake Bay or off the coast of Gloucester, Massachusetts, or in the Gulf of Maine to develop a research agenda and a strategy, a specific operational plan, what kind of surveys, where are they going to go, what kind of boat time, what kind of vessel time.

It's my observation that this just has not yet been done. Even back in August when we talked about the fact that we needed to develop this research agenda, there was already paper on the Hill trying to find money for ASMFC that was not specific of the research agenda that was being outlined.

So, we see that as a problem, and we would like to be part of the solution and working closely with each of you and the technical committee in developing the correct approach to answering some of these questions that were highlighted by the workshop and then work together in the next congress to try to find the money to do that work.

There is going to be a recommendation that you'll see that came out of the workshop that I think is critically important in terms of your role as managers. Now you're sitting here as single-species managers. We all know we're on the multi-species approach here.

I think the recommendation was that the managers and the technical committee need to begin to develop reference points around multi-species management and the kinds of tradeoffs that are going to have to be made.

For example, there is an awful lot of small young-of-the-year menhaden that is eaten by striped bass.

What's the right response, shutting down the menhaden fishery, which seems to be sustainable, or perhaps increasing mortality on striped bass?

So, we're looking forward to this. This is going to be an evolutionary process. It's going to be new for all of us and we very much want to be part of the solution and want to continue to pledge the resources that we have to work with you to answer some of these important questions that have been raised. Thank you very much for the time this morning. I appreciate it.

CHAIRMAN TRAVELSTEAD: Thank you, Jeff. I thank everyone for their public comments this morning. I'm sorry we had to limit the amount of time you had to speak. I am sure there will be additional opportunities in the future.

I would encourage all of you to submit written comments if you thought you did not have sufficient opportunity to get your points across this morning. Let's move on to Agenda Item 5, the technical committee report. Dr. Cieri.

TECHNICAL COMMITTEE REPORT

DR. MATTHEW CIERI: As many of you know, my name is Matt Cieri, and I'm currently the technical committee chair for Atlantic menhaden. I'm going to ask you to start to work backwards.

We're going to go over some preliminary 2004 landings, an update from the 2003 fishery, and then we'll end up doing some bait and reduction landings, age structure, CPUE, and then move on to the juvenile abundance indices; and more importantly, the triggers that are associated with whether or not we do an updated assessment every single year.

I know there has been a lot of concern this past year over increases in the menhaden removal coastwide. I'd like to point out that many of you are on Joe Smith's list when he gives his update every single month.

One of the things that is very, very interesting in this fishery is this year we've had a rather large increase in the May landings. I believe Joe said, for example, that it was about 400 percent above the five-year average.

However, if you look at it overall, there has been a lot of weather events and other things happening in the Chesapeake Bay which has sort of dampened down the landings over the last few months.

In particular here is 2004 in relation to other years, and you can see that there was a very, very large spike in landings in May; however, it has since plateaued off. And in fact if you look at the latest estimate, which I'm sure some of you have gotten in the mail, this year ended up being not much different than every other year.

There has been about a 5 percent increase from last year and pretty much a reduction in about almost 2 percent over the last five-year average. This year ended up not being very different than other years; it's just that most of the landings occurred in the early spring.

In general, if you can take a look at the percentage of landings from the Chesapeake Bay, for example, we've been running somewhere around about 50 or 60 percent up until the last couple of years.

The percentage from the bay is about 75 percent in the last year, in 2003. 2004 numbers aren't quite firm so we're going to work on those for you. But, in general, it has been about the same actual percentage in landings from the Chesapeake Bay. But when you figure it out for metric tonnage, it has been about the same number. I'll go over those numbers in a little bit.

Overall, the landings from the Chesapeake Bay historically are a little bit higher than they have been in the 1950s and the 1960s. They've fluctuated fairly wildly, but in general the average has been somewhere around 120,000 metric tons, and that's about where we are since about 1970.

If we look at the actual removals by age class, because the model that we're using is actually an age-structured model, what you end up seeing is overall we've seen a reduction in landings from about the 1990s down to the present time.

The proportion pretty much hasn't changed, as you can see here. It's pretty flat. There has not been a lot of change in the actual proportion of menhaden removed by age, so there hasn't been a large change in how the fishery is prosecuted.

If we look at the catch at age just from the Chesapeake Bay area, which comprises most of the landings, what you end up seeing again is this overall reduction in landings over the last probably about 10 or 15 years, as the industry has consolidated.

In general, they're targeting the same types of fish that they have been over the last 10 or 15 years,

mostly age twos with some age ones, especially in the earlier period, a little bit less now, and some age three plusses.

If we look at the proportion of the catch, again, not much difference, not much of a change. However, there seems to be a general trend in the Chesapeake Bay area of targeting actually more age twos versus more age ones.

But this is something that's highly variable and something we have to investigate as time goes on. If we look at the bait catch, the bait is something that has actually come up in the last few years overall in the Chesapeake Bay.

You can see that there has been a low bait catch pretty much through about 1985 through about the mid '90s and has since increased. This increase, however, is fairly small when you consider the reduction fishery in general. However, they do tend to take a lot more age threes and age fours than the reduction fishery.

I'm going to get into the juvenile abundance indices, which we updated this past year. Pretty much our index is a composite index comprising of basically three areas, the southern area which is predominantly North Carolina seine index, the Chesapeake Bay which we use both the VIMS and the Maryland index, as well as Southern New England.

Through the North Carolina seine index, you can see a general trend in lower recruitment as time has gone by. From about the 1970s, the catch per haul or our index has declined fairly significantly.

If we look at the Chesapeake Bay index, with Maryland here in the red squares and the VIMS index in the triangles, we can see there has been a few different types of periods in the Chesapeake Bay, lower abundance here in the '60s and early '70s, followed by a spike in the abundance indices, followed by again a decline.

One of the things that is sort of noteworthy is that the recent time period is about on average with the 1960s but slightly above. If we look at the New England time series, we don't have a much larger data set. It doesn't go back quite so far.

But one of the things we can tell is that there has been an overall increase recently in the last four or five years. As many people from New England know, peanut bunker have been fairly predominant as far north as Gloucester and Maine over the last few years.

However, because of the weighting system that we use in the coastal composite index, it's pretty much driven by the recruitment index in the Chesapeake Bay, because that's where we believe most of the recruitment is coming from to the population, so it tends to follow the Maryland index fairly well, overall.

Again, we've got an area in the 1960s that was lower recruitment according to our index followed by a period of high but variable recruitment through the '70s and early '90s followed by lower recruitment. The lower time series right now is a little bit above where recruitment was in the 1960s, so it's not the historical low.

During the addendum and during the addendum process, the board asked the Menhaden Technical Committee to come up with specific triggers for the assessment. The Menhaden Technical Committee had suggested not doing an update in the assessment every single year due to workload.

But, the board wanted to see some sort of triggers associated with should we do an assessment in an off year. One of the triggers, for example, is landings, basically CPUE, from the reduction fishery over the last 20 years.

Here we can see a general trend in landings per vessel week, which is our index of CPUE. There seems to be a general trend of an increase; however, if you actually do the regression, the CPUE index increase is not significant.

We settled in on the fifth percentile for a CPUE index coast-wide; and as you can tell from the last couple of years, probably the last four or five years, we've been about where the median is in the CPUE index.

One of the other triggers or the second trigger in the addendum relies around the proportion that is caught at age. This trigger is actually to take a look at selectivity because it's one of the things the model is very sensitive to is selectivity within the fishery.

So we're interested in the number of later juveniles and adult stages of Atlantic menhaden in the catch. And in general we used two standard deviation units below the annual mean for a 20- year average as our trigger. And, again, we're just a little bit above the median range, the mean range in this case.

So one of the things we were going to do, as the

technical committee, was actually take a look at different indices and get a general feeling for where the fishery was as well as compare it to the overall triggers.

We've noted that recruitment has been low, but it hasn't been further reduced in this past year. The CPUE index is about where it has been as well as the proportion of caught at age, so in general there hasn't been a lot changed in either where the fishery is being targeted as far as juveniles or older individuals, and there hasn't been a whole lot of change in landings. So, therefore, neither of the triggers has actually changed over the last three or four years.

Our consensus, therefore, is that there really doesn't need to be an update in the assessment for at least this year. We'll take a look at the assessment and the triggers and all the other pertinent information next year to determine whether or not we need to do an updated assessment, but for the most part there hasn't been a lot of change within the 2003 fishing year.

CHAIRMAN TRAVELSTEAD: Very good. Are there questions for Matt? Seeing none, we'll move along. The PRT report, Nancy. By the way, we're back on schedule.

PRT REPORT

MS. NANCY E. WALLACE: As Carrie is getting set up, we're going to go over the 2004 FMP review. Not too much has changed from last year so I'll be able to go through this pretty briefly.

The first slide is the status of the fishery management plan. Amendment 1 was approved in 2001 and Addendum I was approved in 2004 at the last meeting, established new reference points, changed the frequency of the assessment and updated the habitat section.

This addendum will be finalized and ready for your view very shortly. We're just waiting on a few things in the habitat section, but we plan to have it done in the next week or so.

Status of the stock, on a coast-wide basis, as Matt has said, the last stock assessment showed that the stock is not overfished and overfishing is not occurring.

In 2002, the last year of the data in the assessment, the population fecundity was 40.6 trillion eggs, well above the target of 26.6 trillion. F in 2002 was 0.79, slightly above the target of 0.75 but below the threshold of 1.18.

Recruitment has been low, as Matt just stated. In 2002 it is 2.5 billion fish. This was below the 25th percentile. Status of the fishery, the 2003 harvest for reduction was 166,097 metric tons, 5 percent less than the 2002 season and 16 percent less than the average landings for the previous five years.

The 302 vessel weeks of fishing effort in 2003 is the least amount of nominal effort observed since this statistic was monitored starting in 1955.

The landings in the bait fishery were approximately 17 percent of the combined total menhaden landings. The major portion was harvested from New Jersey and Virginia, followed closely by Maryland, North Carolina and Florida.

The status of the assessment advice from the PRT was basically what Matt just went over. The TC reviewed the CPUE, catch-at- age indices from the 2003 stock assessment, calculated the triggers in Addendum I, and recommended that a stock assessment not be conducted this year, and the PRT agrees with this.

Status of research and monitoring, the National Marine Fisheries Service and Beaufort Lab, North Carolina, have principal research and monitoring responsibility. This will continue. The technical committee has determined a list of research priorities to determine the potential of localized depletion in the Chesapeake Bay. The PRT is behind these research priorities.

The status of management measures, there are no regulatory requirements contained in Amendment 1 or Addendum I. The only compliance requirement is all states are required to implement a reporting requirement that all menhaden purse seine and bait seine vessels be required to submit the Captain's Daily Fishing Report.

The PRT went through all the compliance reports that we received this year. All states are within compliance. All states with the purse seine or bait seine vessels have implemented a reporting requirement.

South Carolina and Georgia have requested de minimis status. They were granted de minimis status last year. The PRT recommends they should be granted de minimis this year, but should still submit an annual compliance report. This would take a motion from the board if you would like to grant South Carolina and Georgia de minimis.

The PRT recommendations are in the document. As you can see, the research and monitoring requirements are very similar to what was done in the last technical committee stock assessment and the new research priorities. That concludes the presentation.

CHAIRMAN TRAVELSTEAD: Questions of Nancy from the PRT report? You need two motions, one to approve the report and one on the de minimis.

MS. WALLACE: That's correct.

CHAIRMAN TRAVELSTEAD: Okay, Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman, move to approve the report as given.

CHAIRMAN TRAVELSTEAD: Seconded by Vito Calomo. Is there discussion on the motion to approve the PRT report? Is there any objection to the motion? Seeing none, the motion passes and the PRT report is approved. **Can we get a motion on South Carolina and Georgia's request for de minimis status. David.**

MR. DAVID CUPKA: So moved, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Seconded by A.C. Carpenter. Discussion on the motion. Seeing none, is there any objection to approval of the motion? **Seeing none, the motion is approved and South Carolina and Georgia are granted de minimis status.**

WORKSHOP REPORT

The next item on the agenda is the workshop report. Before we get into that, I just want to take an opportunity to thank the steering committee who was so helpful in putting the workshop together.

They were responsible for the design of the workshop, for the invitations that went out to the various scientists, and for actual participation at the workshop in stimulating discussions amongst the scientific members. They did a great job.

I'd also like to thank Dr. Cieri, who co-chaired the workshop with me, and kept us on a sound scientific footing throughout the three days. But most important, I've got to thank Nancy for the work that she has done in putting the report of the workshop together.

She has, I know, worked 20-hour days probably since the workshop to get that report done so that it could be submitted to the advisory panel for their review and ultimately sent out to you for your review.

I know the entire staff participated in that. I thank all of them, but clearly Nancy did yeoman's work in getting that done. I hope you will join me in thanking her. (Applause) It's all yours.

MS. WALLACE: Thank you, Jack, and thank you to the steering committee as well. You all received the draft report about a week ago. I know this was short turnaround time. And as you will see from the draft report, it does say "draft" all over it.

The reason behind this is basically Carrie and Megan took wonderful notes at the workshop, and I combined those notes into the report. We haven't, however, had a chance to get back to the presenters from the workshop, and I would like their okay on everything before the report is finalized, to make sure that we've interpreted their presentations correctly.

So, as for you, this is the presentation I'll go through. My presentation is going to take you through just a little bit of the background, how the workshop went, and then briefly through each presenter's summary points.

If they had a summary slide in their presentation, I just incorporated that into this presentation; if not, I took summary points myself. The discussion I'm not going to go through in this presentation. You can see that in the document in front of you.

Then I will go through each of the consensus statements that came from the state, federal and university scientists that participated in the workshop.

To give you some background, October 12th through the 14th we held the workshop. It included state, federal and university scientists who were invited to participate. Stakeholder groups helped plan and also did participate in the workshop.

Just to read the motion that started this whole thing off, the motion was made in the May meeting and it said, "Moved that the Atlantic States Marine Fisheries Commission Atlantic Menhaden Management Board conduct a workshop to examine the status of Atlantic menhaden with respect to its ecological role, especially its role as forage fish, and of the implications of current management reference

points with respect to this role.

"Emphasis should be given to the implications of concentrated harvest in the Chesapeake Bay. The workshop will be held by the fall of 2000 with recommendations for revised or new directions for the Atlantic Menhaden FMP Board action at the annual meeting, 2004", which takes us to here.

The goals and the objectives of the workshop were taken directly from that motion. They are to examine the status of Atlantic menhaden with respect to its ecological role; explore the implications of current management reference points with respect to menhaden's ecological role; explore the effects of concentrated harvest in the Chesapeake Bay; and develop recommendations for revised or new directions for a fishery management plan for our meeting today.

Just to go through a little bit of the workshop format, the format of the workshop was we divided each of the days into four sessions based on those four goals and objectives. Stakeholder involvement, the different stakeholder groups that were on the steering committee included the recreational fishery, commercial industry, and the environmental groups.

They each asked participants from their groups to submit two papers for background material to the workshop participants. At the workshop one person from each of those groups was allowed about ten to fifteen minutes time to give their perspective on these issues.

Workshop recommendations came only from the state, federal and university scientists. They were the only ones who we thought needed to give consensus. Other groups in the stakeholders did give input, however they are not represented by the consensus statement.

There was some time for public participation at the board, and the recommendations from the management board will be shown today.

Session 1 was status of menhaden's ecological role. The first presentation was "Feeding Ecology of Atlantic Menhaden" given by Kevin Friedland. His summary points I'll just run through.

Menhaden ingest everything in the water column and likely ingest some sediments in shallow areas. Some phytoplankton are cap-able of passing through the elementary canal of menhaden. Menhaden distributions are defined by phytoplankton distributions within the physical limits and migrational behaviors.

He goes on to say menhaden juveniles retain the ability to crop small phytoplankton in estuaries during the nursery season and larger, older menhaden filter increasingly larger plankton but avoid a niche overlap with other filter-feeding fish.

The next presentation was on striped bass diet and predator-prey interactions. This was given by Kyle Hartman. His summary points were the use of Age 0 menhaden in timing of striped bass, you suggest striped bass take their share of menhaden before the commercial fishery.

Given prey shortage and striped bass selection for menhaden, reducing F for menhaden or reducing predator populations may not result in more menhaden that could just be eaten. Striped bass do appear capable of limiting prey populations.

Striped bass contribute to declines in Chesapeake Bay menhaden since they take their share of the Age 0 fish first, before the fishery. Menhaden appear to be a buffer species. If menhaden are there, striped bass will feed on them. Multi-species management must be followed in order to conserve many of these interacting species.

The next presentation in Session 1 was the health and condition of Chesapeake Bay striped bass. This presentation was given by John Jacobs. His conclusion slide was the health and condition of fall Chesapeake Bay striped bass are consistent with a stressed population; however, the condition is not fully explained by micobacteriosis.

The conditions coincide with changes in the striped bass abundance, diet and prey bait, but a direct linkage has not been established. The consensus statements from Session 1 on the status of menhaden's ecological role, Atlantic menhaden play a unique role, transforming primary productivity directly into fish biomass.

Menhaden productivity depends on and impacts water quality in the ways it supports primary production. Historically, menhaden were an important and dominant prey species. This dominance has diminished.

We have the tools to quantify the role as a filter feeder and as prey coastwide, but need abundance in Chesapeake Bay to quantify the role regionally. There is a possibility of a link between striped bass

disease and abundance of menhaden; however, more research is needed.

There may be a relative imbalance between the prey needs of an increased striped bass population and a decreased abundance of menhaden juveniles in the bay. And, finally, menhaden continue to serve an important ecological role, although their relative contribution in terms of forage and filtering has diminished because of their reduced abundance.

Session 2 was implications of reference points to menhaden's ecological role. The first presentation was given by Matt Cieri on the current stock status of menhaden reference points.

He explained to the participants about the new assessment method using the forward-projection model, using age-specific natural mortality, sex, size, percent mature and fecundity at age. And he explained that there has been a negative trend to recruitment to Age 0 over the last 20 years.

The latest assessment shows that Atlantic menhaden are not overfished and overfishing is not occurring on a coast-wide basis. The model does not look at localized depletion in such areas as the Chesapeake Bay.

The next presentation was on the multi-species model, kind of an update for participants on where the commission is on that. It includes menhaden, bluefish, weakfish and striped bass. The model has passed an ASMFC internal peer review and will go to a SARC review in the fall of 2005.

The model uses data on a coast-wide basis as well. The model should be used to improve single-species assessments, give short-term projections and give guidance for rebuilding predator stocks. It should not be used to determine absolute abundance or local depletion issues.

The next presentation was given by Jim Uphoff, the chair of the Weakfish Technical Committee. His presentation was titled, "Weakfish Eat Menhaden." Weakfish compete with striped bass and bluefish for menhaden.

The last weakfish assessment showed optimistic conditions; however, the technical committee was uneasy with the results. The recreational and commercial landings are decreasing which was inconsistent with what the assessment showed as the stock status.

He explained that they're a limited resource. Weakfish will not grow as fast, and there has been a greater chance they will be eaten. He explained changes in the Chesapeake Bay include anchovies and menhaden are much less frequent, spot have disappeared, weakfish are cannibalized and invertebrates are making up a larger part of the weakfish diet.

The next presentation was given by Laura Lee, who is the chair of the stock assessment subcommittee for bluefish. She explained the current status of bluefish is unknown at this time, but the past three peer-reviewed assessments determined the status to be overfished.

Current management actions will maintain the commercial total allowable landings and recreational bag limit. The next assessment will be reviewed in the spring of 2005. She explained that the technical committee for bluefish haven't had a lot of conversations about the multi-species level of bluefish and the effects menhaden have been having on bluefish abundance.

The next presentation was by Gary Nelson, chair of the Striped Bass Technical Committee. He explains the importance of menhaden to striped bass because they are an important diet component.

Reduced fishing mortality and higher size limits lead to more abundant and larger striped bass in Chesapeake Bay. And, there have been an increased predatory demand on menhaden. Losses of menhaden to harvest and striped bass predation exceeded supply after 1998, and there has been a deterioration of striped bass in traditional states.

The consensus statements from Session 2, the current reference points are related to the coast-wide stock. They use fishing mortality and reproductive capacities. They are based on single-species models. They do not take into account socio-economic factors.

There is a need for additional juvenile abundance indices. The workshop participants felt that the board should task the technical committee with exploring the possibility of including the effects of predation mortality on menhaden reference points.

The board also needs to provide advice to the technical committee on what the goals and the priorities are and frame a spectrum of possibilities to develop ecologically based reference points.

Moving on to Session 3, effects of concentrated harvest in Chesapeake Bay. The first presentation was by Doug Vaughan. He went over the historical and current removals from Chesapeake Bay.

In 1957 there were 25 menhaden factories and 114 vessels. Now there are two factories and 11 vessels. Since 1985 Chesapeake Bay landings have been fairly flat with a slight decline the last two years.

The next presentation was by Rob Latour. He went over a series of different multi-species modeling efforts that are currently under way. The first model he talked about was the multi-species production model.

It's the simplest model in terms of model complexity and data requirements. It may be applied to menhaden in the Chesapeake Bay; however, total biomass, time series data for menhaden, striped bass, weakfish and bluefish is needed.

He then went over the multi-species virtual population analysis. He explained that conceptually the multi-species VPA can be modified to be bay specific, but it must be parameterized for the bay. Again, a population abundance analysis must be performed.

He went through the ecopath and ecosym. The ecopath model requires the most data, but it gives the most results. The ecopath is a snapshot of resources and interactions in the ecosystem represented by terrifically linked biomass pools.

Ecosystem takes ecopath input parameters and creates a time component. Ecopath, both production and consumption, must be parameterized. Again, biomass and diet are needed.

The third presentation in this session was climate forcing of menhaden recruitment declines in Chesapeake Bay by Bob Wood. He explained that the spring weather conditions appear to explain about 50 percent of Chesapeake Bay menhaden recruitment variability.

Declines in menhaden recruitment have been accompanied by declines in anchovy abundance. The predicted power of this climate recruitment relationship should be evaluated and could be used to form adaptive management options.

Consensus statements from Session 3, localized depletions occur when migratory immigration of menhaden is insufficient to replace removals. Localized depletion affects availability for predation and filtering capacity.

To determine if localized depletion is occurring, there must be a reference point. The reduction fishery does not directly focus on zeros and ones, but the harvest of ages two plus could result in feedback through regional spawning and recruitment process that impact the bay.

Again, we don't know the absolute abundance in the bay. This is a very common theme that kept coming up in the workshop. And, we can't accurately estimate the probability that localized depletion is occurring.

The fourth session was recommendations for revised or new directions in fisheries management. The first presentation was by Bob Beal who went over the current menhaden management process.

There are no recreational/commercial measures currently. States do have individual regulations and closures in many areas. He went through the adaptive management tools which could be applied for management of menhaden such as area restrictions, specification of MSY or OY, catch control options, effort control options, gear restrictions, seasonal or area closures.

Currently the ASMFC is developing a guidance document to incorporate multi-species in the current single-species management process. Short-term recommendation is to incorporate natural mortality into single-species assessments.

Long-term approach is to possibly modify the technical committees and boards to address multi-species issues and eventually develop multi-species fishery management plans.

The next presentation in this session was given by Charles Madenjian. He is a scientist from the Great Lakes region as requested by this board to incorporate some people from different areas where this same issue is occurring and how they have handled it.

He talked about Lake Michigan in 2003 and the status and trends of prey fish populations. He explained that fishery-independent surveys in the lakes have been going on since 1973 which provides lake-wide biomass estimates.

He went on to say that sea lamprey and alewives are invasive species. Lampreys removed top predators,

released pressure on alewives and populations exploded. They incorporated a salmon stocking program to prey on the alewives.

The success of the salmon stocking program was so great the alewives stock declined. The recreational fishery for salmon was much more valuable than the alewives fishery and alewives were more valuable as prey for salmon.

The commercial fishery for alewives was shut down, and the Great Lakes are moving towards ecosystem management as well, but not much further than we are. There is a caveat. There are tribal fisheries still operating on the lake, but the commercial fishery for alewives was shut down.

Possible ecosystem-based approaches in fishery management by Ed Hood was the last presentation that was given at the workshop. He explained that the localized depletion is an issue in Chesapeake Bay and we need localized reference points.

Most of the geographic areas where menhaden could be fished are closed to commercial fishery, and in fact it's a de facto marine protected area so we need to look at spatial implications. He asked the questions what is the carrying capacity and level of landings that can be taken now; how should landings be allocated among trophic levels?

Fishing effort, habitats and water quality must be considered. A threshold of Z, which is total mortality, may be more appropriate reference points, including fishing mortality and natural mortality.

I'm going to go through all the consensus statements now for Session 4, kind of all the recommendations that came to the board. We talked about other examples of how other forage fisheries are managed in different parts of the country.

Matt explained the herring fishery and the use of the precautionary approach. OY is 20 percent less than MSY. The sardine/anchovy area in the Gulf of Mexico, they have closed off certain areas of Tampa Bay to the fishery.

Also some fisheries are managed by shutting down the harvest and allocating them from other purposes. I'm just going to read through these. You have them in front of you, but I think they're pretty important.

The scientific advice to the management board. Time and space closures and openings have a potential as a management tool. We need to develop reference points specific to Chesapeake Bay. We need to quantify predation mortality and produce estimates of abundance of menhaden to develop ecologically based reference points.

The technical committee and the staff should examine forage fishery management plans from other areas such as Alaska, Washington and California. The technical committee should explore including effects of predation mortality on menhaden reference points.

A multi-species technical committee should be formed. We need to confront the needs and potential mechanisms for management across single-species management boundaries. We need to establish values and goals for population utilization that acknowledge ecosystem service and fishery support provided by the menhaden population.

There is a need to have a joint meeting between the management board and the technical committee to accomplish the above task and set those priorities. The technical committee should evaluate additional reference points to address menhaden's ecological role.

Finally, you need to explore the concept of an escapement-based approach, possibly closed seasons, area closures, investigate the issue of low recruitment in the bay and what is causing it, and the technical committee should meet with the ecopath models to exchange information.

QUESTIONS ON WORKSHOP REPORT

CHAIRMAN TRAVELSTEAD: That was about a 15-minute summary of a three-day meeting, and well done at that. Of course, each of you has the full report in front of you. We've got about a half an hour in which we can take some questions for Nancy or Matt or others. Tom.

MR. THOMAS FOTE: Just a questions on the Great Lakes report. I also remember the zebra mussel issue with the Great Lakes, when they basically cleaned out all the phytoplankton. I think that had an effect on the anchovy population there. Did he talk about that at all?

MS. WALLACE: No, he didn't actually talk about the zebra mussels during this. There was just one presentation we had was on the salmon and the alewives just as a comparison.

CHAIRMAN TRAVELSTEAD: David.

DR. DAVID PIERCE: Just a few questions. I think you said at the beginning of your presentation, Nancy, that indeed in keeping with the charge of the board, stakeholders and the public did not participate in the consensus process, so all the statements that we have indeed don't involve the public and the stakeholders; correct?

MS. WALLACE: The things that are listed as consensus statements in the report and what I just went through -- there is quite a lot of discussion in the document in that they are not consensus statements and they are representative of all the discussion as well as the public and the stakeholders involved. So only what is listed as a consensus statement is the scientists.

DR. PIERCE: Okay, I might add that at times it did become a bit difficult in reading the document to determine who was concluding what and who was answering what question.

I wasn't sure whether it was the public, whether it was a member of the technical committee, so much of the text, it's, I'm sure, a good summary of what took place, I'm just not sure to whom I should attribute those particular comments and answers.

I recognize you had to put this together quickly, and it's a fine job considering the amount of time you had available to do it. On Page 11 of the document, there is a statement –- this is Session 1 discussion period, and I just wanted to make sure that this particular statement was not a reflection of a technical committee position.

That's the second paragraph where it says the technical committee had a hard time defining what menhaden's ecological role is. Menhaden have several different roles, but the technical committee had difficulty honing in on what the management board wanted.
What exactly does that mean? Was there some confusion regarding what the charge was to the technical committee and, of course, the workshop participants?

CHAIRMAN TRAVELSTEAD: Matt will respond.

DR. CIERI: Basically, in general, the technical committee is sort of a little bit unclear as to what the management board is trying to accomplish. Is it simply a matter of increased juvenile abundance; is it increased spawning stock biomass?

As has been suggested in the last technical committee report, I believe, well, about a year ago, in dealing with these specific charges, we kind of asked the board what's the goal of the management plan?

"Where do you want to go" is probably the best way of putting it. So, if we're not quite sure what the goal is, we're not also quite sure as to how you see menhaden's ecological role in management.

CHAIRMAN TRAVELSTEAD: David, I would just add to that that throughout the three-day workshop, that was a theme that was repeated throughout and resulted in a number of calls for the need for a meeting with the full technical committee and the management board sitting around the same table to answer those kinds of questions.

DR. PIERCE: Yes, clearly, those are important questions. I didn't realize they were still unanswered. And if they are and indeed they must not be answered, then, yes, that certainly is a recommendation we should move on rather quickly.

And then, finally, on Page 35 where we get to the recommendations for revised and new direction in fisheries management, Session 4, I have a difficult time separating out statements from what specific recommendations are and in particular in light of that long list, much of it seeming familiar to me I wasn't sure -- I'm still not sure what actually are the recommendations for new direction.

In putting together the final report, after you have a chance to talk to the presenters to make sure that everything is accurately reflected, I would certainly appreciate it if this particular session and those recommendations could be reworked a little bit so they could be brought forward as actual recommendations for new directions.
As I said, some of this seems as if we're doing it already; therefore, it can't be a new direction if we're doing it already. That is I think perhaps my most important suggestion to make.

CHAIRMAN TRAVELSTEAD: Thank you. Other questions of Nancy or Matt? A.C.

MR. A.C. CARPENTER: Nancy, when you were going through your summary, the summary of Bob Wood made some reference to a decline in, was it the bay anchovy abundance was correlated with the menhaden? Do you have any more information on that one? Or Matt, perhaps?

MS. WALLACE: Yes, I might let Matt handle this. Bob Wood gave an excellent presentation, it was very technical, about the climate effects and how that correlates with menhaden recruitment in different seasonal patterns and how what happens with the abundance of menhaden. However, on my slide it said that menhaden -- there were certain times when menhaden and anchovy abundance were correlated and were low at the same time.

DR. CIERI: In general, Bob's presentation was actually was very well done and very informative. Taking into account climate factors, when it comes to recruitment, is a tricky business.

He was sort of breaking things up into relating coastal versus anadromous species and the tradeoffs basically in the climate approach when it came to looking at different climate regimes and forecasting, for example, recruitment success.

He sort of lumped in menhaden as well as bay anchovy and a few other species into the sort of shelf-species that were spawning and what regimes actually contribute to their increase in recruitment versus anadromous species such as shad, river herring, striped bass and a few others and what sort of foretold their recruitment success. And they seem to be offset or basically out of phase.

CHAIRMAN TRAVELSTEAD: Pete.

MR. W. PETE P. JENSEN: I don't have a question, Mr. Chairman, but I have a motion when you're ready for it.

CHAIRMAN TRAVELSTEAD: Well, we still need to have from our advisory panel, and we'll do that before we get into -- I just wanted to take the rest of this agenda item to make sure everyone's clear on the workshop.

If they have any questions, we'll certainly take those, but apparently you've all read the report and are comfortable with it. Let's move on, then, to the advisory panel report, who met just a few weeks ago, and hear from Bill Windley on that.

ADVISORY PANEL REPORT

MR. BILL WINDLEY: Once again today, thank you, Mr. Chairman. The advisory panel met on October the 28th, 2004, in Baltimore. We had eleven members of the Menhaden Advisory Panel, which I was pleased to see Matt Cieri and Joe and Nancy. We had 16 people in the audience, members of different organizations, and some interested individuals. It actually was a good meeting as far as having a good turnout.

Joe Smith, National Marine Fisheries Service, Beaufort Lab, gave an update to the AP on the 2004 commercial fisheries landings so far this year.

Matt Cieri, Menhaden Technical Committee chairman, then presented the technical committee report to the AP. The TC met in September 2004 and reviewed the 2003 landings and indices. They calculated the triggers approved in Addendum I and recommended that the stock assessment not be conducted this year.

They will review the landings and indices again in 2005, and the next full assessment is scheduled for 2006. Nancy Wallace updated the AP on the approval of Addendum I to Amendment 1 to the Atlantic Menhaden FMP in August of this year.

This addendum revised the biological reference points based on the benchmark stock assessment of 2003. They revised the frequency of assessments from annually to every three years and updated the habitat section.

The main purpose of this meeting was to review the recommendations from the Atlantic Menhaden Workshop held October 12th through 14th, 2004. Nancy Wallace gave a thorough and well-prepared overview of the workshop.

Matt Cieri presented a list of research priorities that the technical committee had developed at the request of the menhaden management board -- and that was the other workshop, if you will remember -- to determine if localized depletion was occurring in the Chesapeake Bay.

AP questions about the workshop focused primarily on nutrient cycling abilities of menhaden. They would like to have some more background information on this issue. Menhaden as a filter feeder was discussed.

The discussion also focused on sewage treatment plants and what was being done in different locations to help minimize the amount of pollution discharged into the estuarine and coastal waters.

Other questions focused on methodology that would be employed to determine ecologically based reference points and what research would be needed

to quantify abundance and consumption of menhaden in the bay.

There was a fair amount of public comment. You've heard from Jim Price this morning, so I won't give my summary of his. Before each one of them, I'll tell you whether I had to summarize them or not so that anything that I might have affected is obvious.

Neils Moore from the Menhaden Research Council -- I took this section directly from the notes. Neil's statement, as I got it from Nancy's report, the industry hopes that the AP as a body will rely on the best science information available.

Three sources should be used when determining the best scientific information: the TC who have recommended no regulations on the industry, the PRT who have recommended no additional regulations on the industry, and the workshop participants who have not recommended any additional regulations on the industry.

The next statement was from Amy Schick from Environmental Defense. I did summarize Amy's comments. Earlier this year the menhaden management board directed the technical committee to investigate the problem of regional depletion of menhaden in the Chesapeake Bay.

It was the conclusion of the TC that localized depletion is a potentially serious problem for menhaden and the ecosystems in which they reside. But they are unable to address the issue given the lack of information.

The board also sought scientific advice on the ecological role of menhaden from a panel of scientists. Those scientists concluded that menhaden have experienced the following: long-term recruitment failure; all-time low population levels; and seriously increased predation.

Predatory populations are showing signs of stress that may be related to diet and nutrition. At the same time, the reduction fishery is taking enormous amounts of menhaden out of the system.

We are taking a lot of fish out of a very small area, about 30 percent of the Chesapeake Bay. The status of the menhaden population in Chesapeake Bay is unknown. A research plan is under development but it will be several years before management can benefit from this new information.

In the meantime, I believe the menhaden board should proactively manage the stocks. There is previous ASMFC precedent for maintaining existing stock levels in fisheries where these significant uncertainties exist. I urge the menhaden advisory panel to consider a recommendation to the board to take action to protect menhaden.

The next comment is my absolute favorite, Larry Jennings from Coastal Conservation of Maryland. It's clear that the menhaden stock is near historic lows. The reduction fishery should be shut down, and then you could get the stock assessment scientifically. At least he was succinct.

Charles Hutchinson, Maryland Saltwater Sports Fishermen. One purpose of the meeting is to get the public input to the management board. We don't know how many menhaden are in the Chesapeake at any given time. We do know how many are removed.

In the absence of hard science, we do know several things that would suggest a conservative approach to removal. Menhaden are effective filtering agents and do remove some nutrients. The quality of water in the bay is poor and not improving and we can't rely on oysters at least in the near term for filtration, cause for reclamation of the bay now estimated to be over 30 billion.

We know that menhaden are necessary for the health of the predator stocks. The financial benefits of the reduction fishery are dwarfed by the value of the recreational fishery.

The economic considerations are clear. From a management viewpoint, the only means available to increase the number of menhaden in the bay is to reduce removals. What the scientists really need to figure out is whether the reduction fishery can coexist with the other needs for menhaden and to what degree.

Short-term action by the menhaden board to limit the reduction catch seems to be necessary and can be done without necessarily putting the industry out of business. Perhaps it is a case of public versus private interests in the short term. It should not be difficult to reach a directional decision.

You have heard Mr. Price's comments this morning. Margaret Ransom from the Virginia Bait Association -- I took her comments from the report in full. The health of the bay is critical. There have been presumptuous statements made without hard facts that may have effects.

We all need to work together on this problem. Constant friction will not help. Direct more funds and energy into the problems we know exist. We rely on the panel to make your decisions based on reliable facts that the TC is coming up with.

Bill Goldsborough, Chesapeake Bay Foundation. The current management plan was adopted in 2001. One of the objectives was to maintain the ecological role of menhaden. There hasn't been action to try to meet this goal.

Filtering and forage are two of the many roles of menhaden. Modeling studies show that we need to do both, increase menhaden and oysters for filtering and lower pollution coming into the bay.

This is the first big test case for multi-species management. We should manage the harvest effects to maximize benefits. This is a value judgment. Part of the job of the AP is trying to make some sense of the value judgments to the managements.

Currently there is an imbalance in the filtering and forage roles of menhaden. This started with the recovery of striped bass. We need to balance conservation across the system.

Are we going to increase menhaden, decrease striped bass, have a combination of the two or take no action? Does something have to be done now or should we wait until the tools are ready? Do we need a more responsive, adaptive management system?

If there is a pattern of increased recruitment, then you should allow an increased harvest. Where you have decreased recruitment, you must decrease harvest as soon as possible. That concludes the public comments.

After that, the next order of business was election of chair and vice chair. I was nominated and elected again as chair and Jewell Wheatley from Beaufort Fisheries was nominated for vice chair, seconded by Richard Geiger. There were no other nominations and no objections, and Mr. Wheatley was elected.

The following is a summary of the discussion at the meeting. These statements do not represent consensus statements. Consensus statements are at the end of the document.

There were significant discussions on the recommendations from the workshop regarding the need to quantify predation mortality and produce estimates of abundance of menhaden to develop ecologically based reference points.

Most AP members felt that along with the consensus statements from the workshop, this one is paramount to understanding the needs of a healthy menhaden stock and will help focus future directions of the management. This statement was generally agreed on by members of the AP.

A recommendation was made to support the research priority list the TC has developed to examine localized depletion in the Chesapeake Bay and have the numbers put in historical context to develop historical levels of menhaden in the bay.

It was also recommended to urge the menhaden management board to develop management goals to develop the reference points while the research is being conducted.

Before the ASMFC fully engages in scientific studies that the TC has recommended, the AP would like to see how these studies will be accomplished. Matt Cieri went through the list of research priorities again to make sure the AP understood what studies will be done along with the time frame and budget estimates.

An industry AP member said a problem with recruitment is that embryos can't get into the estuaries. They can't get into the bay because the inlets are being filled in, especially in North Carolina.

If the embryos can't get into the estuary, then they won't be able to hatch. The recommendation was made by an AP member who represents the environmental community to use a precautionary approach to interim management measures.
The list of possible management measures presented during the May meeting by Bill Goldsborough were offered for consideration. They were continue our path of no management measures; cap purse seine harvest in the Chesapeake Bay until a scientific assessment is complete; shift purse seine harvest off forage size fish to older, larger fish; spread purse seine harvest along the coast; and other management measures to reduce the risk of localized depletion.

The recommendation was for the management board to evaluate these five options and others as interim actions while research is underway. It was also suggested that during the research, we should cap the harvest of menhaden at the current levels. No consensus on this recommendation was reached.

An industry representative stated that the industry

does not catch age zeros and ones in the bay. If any management should be implemented, it should be the increase of the amount of striped bass harvested. Other members of the AP felt this statement was inaccurate and disagreed.

The industry representatives on the AP were adamantly opposed to consideration of any recommendations about quotas, capping the harvest, or any of the five suggestions that had been proposed by Mr. Goldsborough in May.

They clearly indicated that they would oppose any precautionary measures proposed for the management of menhaden now or at any time in the future. All the members of the panel were then asked to state how they felt about the recommendations for interim management options while research is underway.

The group was evenly split. A number of the AP members felt that the management board should consider interim management options. Others, however, felt that since there is not any conclusive data at this time, it would not be appropriate to take management actions until research is done and more questions are answered.

Some members also felt that the issue of striped bass predation should be researched and considered as a management tool. Others felt that reducing striped bass predation would only open the door to expansion of populations of other major predators.

There was also a discussion regarding states that have already closed their waters to the reduction fishery. Closing state waters has forced the fishery to concentrate in lower Chesapeake and near-shore coastal waters of North Carolina almost exclusively.

Some participants felt that it was a waste of time to discuss this point since the states have a legal right to manage their waters and these closures are not within the scope of the ASMFC.

One panel member had suggested at this and many other meetings of the AP that reducing the concentrated effort in the lower bay by spreading the catch across the entire Atlantic Coast might ultimately be the only solution to suspected problems.

It was stated that the ultimate influence on menhaden population is much broader than just striped bass and the reduction fishery. We need to look at habitat, water quality, the fishery and predation.

There were three different opinions that came from the AP on the issue of menhaden management: currently there is a problem that needs to be addressed immediately; Number 2, there is no problem, don't do anything; 3, there might be a problem but we don't have enough data to do anything.

The AP reviewed the consensus statements generated by the menhaden workshop. The AP generally agreed with them. The AP was presented with the workshop report the morning of their meeting.

Staff informed them that if they needed more time to review the document and had comments at a later time, that these would be forwarded on to the management board. Members of the AP also noted that they thank the management board for beginning to address the issues that have concerned the AP for so long.

They hope this effort continues and they support the research required to learn more about the problems currently associated with the fishery. The following were the consensus points reached by the AP.

The AP supports the TC's recommendations for research priorities and agrees that this research should be conducted expediently. The AP feels a fishery-independent measure of recruitment and SSB should be developed.

The AP supports a recommendation by the workshop participants for the management board and the TC to hold a joint session to finalize a plan for developing reference points. We urge the joint session to attempt once and for all to define and describe ecological reference points and stock composition needed to address all the critical functions of menhaden. Thank you very much.

DISCUSSION ON WORKSHOP REPORT

CHAIRMAN TRAVELSTEAD: Thank you, Bill, for that very detailed report. I appreciate it. Are there questions of Bill on the AP report? Everyone's very quiet today. I guess that's good.

Then let's move into Item 9, discussion on workshop recommendations. To facilitate this, I asked my staff to go back through the workshop report, the written report, and pull out from that report any consensus item that made any type of recommendation for action, something needed to be done.

I think, Nancy, you have that list. They pulled that out. I attempted to put them in some logical order and then forwarded that information to Dr. Cieri, Nancy, Bob Beal for their review.

They took some time to look at it, make sure it was accurate. Matt made a number of changes in it, mostly clarifying the technical and scientific issues, and this is what we ended up with.

It's presented in what I hope is somewhat of a logical order in that it directs certain activities on the part of staff, certain activities on the part of the technical committee, and certain activities on the part of this management board.

Again, I hope it's complete. Those that reviewed it thought it was complete. Again, this all goes back to the workshop. There was clearly a recommendation that the staff needed to look at the forage-based management plans in the West Coast states and determine whether those types of measures and science can be applied to the Chesapeake Bay. That's what you see in Number 1.

In Number 2, there were a number of technical issues that the scientific panel thought the technical committee should continue to look at. There is this issue of inverse catchability that was raised and how that affects the current stock assessment model.

The technical committee had looked at that at one point, and it was determined during the stock assessment peer review that that was not a problem, but there was enough concern expressed about that issue that I think everyone thought the technical committee should take another look at that. That's what A is.

There was clearly an expression of a need for some type of CPUE index for adult menhaden. There was a need to investigate low recruitment in Chesapeake Bay and evaluate its causes, take another look at the weighting factors for the various recruitment indices in the stock assessment.

Clearly, one of the main themes throughout the workshop, in my opinion, was the need for the development of additional reference points, and in particular for Chesapeake Bay.

There were a number of other scientific articles that were mentioned with the hope that the technical committee would take a look at these. Ed Houde, who was one of the participants, did what I thought was an excellent summary of the three-day workshop, suggesting a number of reference points that were utilized in other forage-based fisheries.

And, clearly, the technical committee needs to take a look at those with respect to the menhaden issues. There are a number of modelers that are working on additional models for this issues. The ecopath/ecosym was one of the more robust models, I think.

It's obviously very data dependent, but there was a clear expression of a need for the technical committee to meet with those folks to move their work along as quickly as possible, because it has the potential to answer a lot of these very technical questions.

Number 3, again, I've already mentioned that in that there is a clear request, if not an absolute begging by our technical committee, to meet in joint session with this board to understand what our goals are in terms of ecosystem management of the menhaden fishery.

There was clearly a recommendation that the Policy Board develop a position on multi-species management and that a multi-species technical committee be formed.

Most of the language that you've seen on the screen was in many cases verbatim directly out of the technical report, but that's sort of a listing to help us with our discussions on the workshop recommendations. Pete, did you have your hand up?

MR. JENSEN: Mr. Chairman, I have a motion that puts into motion form for the board's action much of what you've already seen, and it incorporates the recommendations from the workshop and the AP.

The motion is made with the recognition that some of this work is already underway and some of it is already completed, so that the board can understand where we're going and to add a few things to what you've already seen. Is it available to put up on the board? You can all read that very readily.

CHAIRMAN TRAVELSTEAD: Pete, do you want to read it into the record?

MR. JENSEN: You will see a lot of similarities with the language you've already seen, but I **move that the staff be directed to examine existing multi-species and ecosystem-based fishery management plans for forage species and provide a summary for the management objectives, reference points, and monitoring involved in**

implementing these management plans.

Number 2, that the technical committee be directed to advise the management board on the feasibility of applying multi-species or ecosystem-based management summarized by the staff from the existing management plans.

Advise the management board on the likely causes for low recruitment in Chesapeake Bay and a comparison of recruitment trends in other estuaries along the coast. Review the stock assessment model, evaluate the issues of inverse catchability, weighting factors for recruitment indices and total mortality and advise the management board on the inclusion of ecological reference points in the model.

Evaluate ecological reference points and recruitment indices for Chesapeake Bay and advise the management board on the incorporation of Chesapeake Bay values in the stock assessment model or whether a separate stock assessment model can be developed for Chesapeake Bay.

Evaluate whether the effects of time and space, openings, closures of fishing and harvest caps in Chesapeake Bay and coastwide can be modeled, measured or monitored well enough to be considered for management tools.

Advise the management board of localized depletion of menhaden stocks in Chesapeake Bay is occurring or likely to occur under current management of the coast-wide stock of menhaden. And that the board recommend to the Policy Board to establish a multi-species technical committee for the purpose of continued review and consideration of multi-species management.

The Atlantic Menhaden Board desires to have this work by the staff and the technical committee completed in six months, and the board anticipates meeting jointly with the technical committee to develop revised goals and objectives for menhaden management to incorporate ecologically based reference points in the stock assessment and management measures for menhaden. That's my motion.

CHAIRMAN TRAVELSTEAD: Thank you, Pete. We have a motion. Is there a second to the motion? Seconded by Steve Meyers. Discussion on the motion? David.

DR. PIERCE: It's a bit hard to relate to the motion's specifics because we haven't got it in front of us. Pete obviously did a good job piecing it all together, but still it is a bit difficult to assimilate at this time.

In particular, I'll note that I've got a bit of a problem with one of the recommendations, one of the aspects of this motion and that is, what is it 2F, something about localized depletion where advise the management board if localized depletion of menhaden stocks in Chesapeake Bay is occurring or likely to occur under current management of the coast-wide stock of menhaden.

It seems to me that was one of the charges given to the workshop. Can you help us out with that, guys and gals, and basically they said no. If you go to the document, Page 35, Session 3, I read that, and the conclusion of the workshop essentially is a heck of a lot more research is required before we can ever get to the position of answering that kind of a question.

So, we seem to be going around in a circle with that particular one because we're telling the technical committee to do something they've already said through the workshop can't be done until significant research is performed.

So as a consequence of that particular troubling aspect of the motion, I'm a bit uncertain as to whether or not other parts of the motion also conflict with some of the workshop recommendations. So, again, it's hard to assimilate this motion, to reconcile it with what has come out of the workshop and what the technical committee has concluded.

Plus it's hard for me to balance this against what you and your staff put together, Mr. Chairman, which I thought was going to be the basis of some motion that would get us going in a direction that would be consistent with what you, the chair, and Matt have already chewed on and have thought makes sense. So, it's not that I'll oppose this motion, it's just that I'm not sure of its implications.

CHAIRMAN TRAVELSTEAD: Tom Fote and then John Nelson.

MR. FOTE: I was just going to ask could we get about one for each delegation, copies of this motion, so we can sit and look at it because it's very hard to read it up and down.

CHAIRMAN TRAVELSTEAD: Okay, they're going to work on copies, Tom. John.

MR. JOHN I. NELSON: Thank you, Mr. Chairman. I almost thought Dr. Pierce had made that motion, it was so long. Sorry, David, I just couldn't resist that.

But, seriously, I think that the motion is very comprehensive; and when I look at our process -- and this I think is in answer to David's question where he mentioned about the workshop participants have come forth on a particular item and said, well, we don't know, and, therefore, why would we ask the technical committee to move ahead and review this also.

Well, I think our process is that information that comes to the boards from various sources -- and the workshop was an excellent way of pulling together scientific information and all kinds of other information available for evaluation to take place -- the board should review that, as it has done, and then it should forward to the technical committees the direction of what we would like to have them take a look at.

I recognize that a lot of them were involved in this workshop, but that's still the process that the ASMFC should follow in order to make sure we've had a proper vetting of all of this information.

You know, I think some technical committee members may not have been able to attend the full workshop or were maybe not even able to attend some of it or parts of it. But in any case, we need to have the technical committee carefully review all the information that was presented to us, come back to us with recommendations.
If they can't determine something, they'll tell us. I would hope that they would come forward to us and say, you know, you need to do some type of research here and there, and I would think that is certainly going to be one of the recommendations that would come out.

And then we would have a clear direction as far as trying to find funding to address those questions. I would think that then we would have all parties that are interested in this issue backing that type of recommendation and backing the funding necessary to address that.

I agree that it's a very comprehensive motion. I can't tell if there is something missing that should be important in there. But, certainly, it's a good start as far as I can see, and that's the proper process for it to go through in order to have the board act on this type of information, Mr. Chairman. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you very much, John. I think it was your comments relative to the need for all parties to participate in procuring funding for a lot of the research that needs to be done is particularly important if we're going to be successful with what we're trying to do here. Bruce.

MR. BRUCE FREEMAN: Thank you, Mr. Chairman. Jack, the question I would have relative to the motion offered by Pete Jensen and the work that you presented up there, do they match up? Are there things that your analysis or staff's analysis have that are not included in this motion?

CHAIRMAN TRAVELSTEAD: I did not see any. I didn't see much difference between what I went through and the motion but I'll ask Matt or Nancy or Bob. It seemed to be pretty comprehensive to me.

I think also remember at the workshop, the entire menhaden technical committee was there and participated, and they heard over a three-day period all of the various recommendations from the other scientists. I am sure that they've got it up here and are thinking about those kinds of things and how they might play on what they've done in the past and might do in the future. A.C.

MR. CARPENTER: Jack, I thank both you and the technical committee and the staff for putting together the workshop. I was able to attend one day. I wasn't able to sit through the entire three days, but I thought it was a very good format that you had and a free exchange of ideas.

I take my hat off to Nancy and the rest of the staff for putting together summaries of what were some very lively discussions that were going on in the room.

I think Pete's attempt to pull together the recommendations in a form that directs action to be taken by certain people I think is also a very good attempt.

The only thought I had might be that maybe as an appendix to this motion, if this motion were to pass, that the list that you had developed be attached to it and send to the technical committee as what you all had come up with as summary statements for the basis for some of the action here, so that nothing is missed in the process of having the technical committee review all the information.

CHAIRMAN TRAVELSTEAD: Is there any objection to A.C.'s suggestion, that summary be appended to the motion? Seeing none, we can do that. Is there further discussion on the motion? Yes, John.

MR. JOHN DUREN: Mr. Chairman, I have a lot of empathy for the statements made by David Pierce about the importance of Item 2F in the motion, which is to determine the possibility of localized depletion of menhaden stocks in the Chesapeake Bay.

I would move that we amend the motion to indicate that that is the highest priority issue and that resources and time and effort should go to answer that question before resources are allocated to the other items in the main motion.

CHAIRMAN TRAVELSTEAD: There is a second to the motion to amend by Ritchie White.

CHAIRMAN TRAVELSTEAD: That's what I'm going to determine. Bob, do you have the language of the amendment? Let's wait until we get the language up and then we'll ask Mr. Jensen if he will accept that as a friendly amendment. John, while he's doing that, I'd like to ask you a question.

The intent of your motion is that 2F be the priority issue that they work on, but recognizing that the technical committee may not be able to answer that question right away, I hope you're not suggesting that they not attempt to proceed with some of the other items that they might be able to finish off pretty quickly.

MR. DUREN: That's correct, Mr. Chairman. My concern is that this list of activities and we're asking for it to be done in six months is enough to choke a horse.

We need to direct the committees to focus on the activities that are most important to making management decisions and to try to arrive at some conclusions in the next six months that will help us as we attempt to make decisions.

CHAIRMAN TRAVELSTEAD: Thank you. Now, we have the language of the amendment. Mr. Jensen, do you accept that as a friendly amendment?

MR. JENSEN: Yes, I sure do. While I have the mike, I would hope that the board members would look at this motion in terms of are those the questions that we want to talk with the technical committee about as we begin to think about how we might want to modify our management plan. That's the context of this motion. You know, there are hundreds of details out there, a lot of work for the technical committee to do.

CHAIRMAN TRAVELSTEAD: And the seconder of the motion was Steve Meyers. It's accepted as well, so we have a friendly amendment, so we're back to the main motion. Vito, discussion on the motion as amended.

MR. VITO CALOMO: Discussing the motion, Mr. Chairman. I believe you've done a great job, and the committee and your staff have done a great job and, Pete, trying to make a real good motion here, even though it's in depth -- and I should be used to it coming from Massachusetts, but it caught me by surprise, and I'm having some problem just going over the whole motion.

But the one big problem that sticks out, knowing Matt Cieri always does a great job and he wants to do the best possible for whatever, I believe that the limitations of six months is not fair.

I believe in such a motion that you have here, also hooking your references to this, is too much to handle in six months. I think the restriction will not give us a good report, even though I have a lot of faith in Matt Cieri.

I think this is wrong to do something like this at this time. I think the limitation of time should be taken off or at least doubled to do a good report. You have here a plan, that if it's well intended, is for menhaden and not restriction of a fishery.

That's what I'm hoping. That's what I'm hoping the intent of the Atlantic States Marine Fisheries Commission is, so I strongly urge to delete the six months, Mr. Chairman, if possible. Thank you.

CHAIRMAN TRAVELSTEAD: Are you making an amendment to the motion?

MR. CALOMO: I am making a friendly amendment.

CHAIRMAN TRAVELSTEAD: Okay, is there a second to that motion to delete the six months? Pat, are you seconding the motion? Pat.

MR. AUGUSTINE: Yes, Mr. Chairman, I second Vito's amendment.

CHAIRMAN TRAVELSTEAD: Okay, Matt, would you like to comment on the six-month issue.

DR. CIERI: Yes, I think it's doable within the six months. It's going to be tight. One of the things you all have to realize is that we're also doing a multi-species assessment, the MSVPA which is scheduled for SARC review about a year from now, and so a lot of people are involved in that.

One of the things that I wanted to bring up would be simply to suggest that if you want to get this done in a more timely framework, we need to have the joint meeting between the technical committee and the board sooner rather than later. It can't be something -- we're not going to be able to address a lot of these issues until we have that kind of a meeting.

CHAIRMAN TRAVELSTEAD: All right, that brings up two issues. One is I'm wondering if we couldn't get at least an initial report from the technical committee in six months, and then at that point you can say, you know, now it's clear, we need another two months, three months to finish our work. That's something for you to think about, Vito. Also a question for staff, when would we be able to have a joint meeting between the two groups?

MR. ROBERT E. BEAL: The first ASMFC meeting week next year is the first week of February. I think that would be the next time all the commissioners are in the same place at the same time, and we can invite the Menhaden Technical Committee as well, so it's early February next year.

CHAIRMAN TRAVELSTEAD: It would be possible to do it at that point. Very good. A.C.

MR. CARPENTER: Mr. Chairman, I think maybe, given Matt's direction here, Vito might want to say rather than remove the six months, we give them six months after the joint meeting of the board and the technical committee to give us a preliminary report.

I think it may be a more finite time line. I'm a little bit concerned about just deleting the time line and having this thing drag out forever, but I'd be very comfortable with a six-month deadline for a preliminary report after -- you know, the clock doesn't start ticking until we have the joint meeting that they need.

CHAIRMAN TRAVELSTEAD: Vito, do you want to respond?

MR. CALOMO: Yes, Mr. Chairman. Thank you, A.C. I appreciate that. I'm fine with that, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Okay, so you want to change your -- we're not going to amend your motion, we're just going to change it, right? Let's give staff an opportunity to get that up. Yes, Matt.

DR. CIERI: The six months is actually fairly doable after February. We're going to be meeting sometime in probably July or August or fairly close to there to discuss the annual update anyway, so we can do it then.

We can certainly get that done. We can probably give you a preliminary report. A lot of these issues have already been addressed. We can do something a little bit more specific, hopefully.

CHAIRMAN TRAVELSTEAD: Okay, back to the makers of the original motion. Are you willing to accept Mr. Calomo's motion as a friendly amendment?

MR. JENSEN: Yes, I think you will notice that it says the board desire to have this work done, not requisite that it be done in six months. I'll accept that as an amendment.

CHAIRMAN TRAVELSTEAD: Steve?

MR. MEYERS: I accept it.

CHAIRMAN TRAVELSTEAD: Accepting. So we're back to the main motion. We've got Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: I'm not clear whether you wanted the work completed in six months or you wanted a preliminary report in six months. You talked about both items.

CHAIRMAN TRAVELSTEAD: Preliminary report in six months, after the February meeting. That's what we agreed to, correct? Okay. Now, on the main motion. Tom.

MR. FOTE: If we're looking at months, why don't we just put it in dates. I mean, we know the February meeting is such and such. We know the August meeting is probably the closest to the six months that we would basically get, so why don't we

just put in the dates of the meetings that we basically will meet at?

That gives us the opportunity for people to plan to be at those meetings and basically set it -- unless we're going to have a special meeting to just handle menhaden, so if we're going to do it during meeting week, we have a meeting in February, we have a meeting in August, so let's just put the dates in those two meetings, and it basically puts a time line on it.

CHAIRMAN TRAVELSTEAD: I'm certain Vince is not going to let us have a special meeting for menhaden; you can count on that. So, any objection to just putting the August meeting, their preliminary report by the August meeting? Vito.

MR. CALOMO: In my defense for Matt Cieri, he didn't take the bait, but I just don't want to handcuff Matt in saying six months or August. If that's the will, that's fine. If it took seven months to get a good report, I'm in favor of that.

If it took eight months to get a good report that has some validity to it so we can go on and get rid of all the boogey men in this field, I'm in favor. If it took five months, that's fine. I just feel that giving a date-certain may hamstring Matt.

CHAIRMAN TRAVELSTEAD: Again, all we're asking for is a preliminary report by the August meeting or six months. Matt.

DR. CIERI: I think a preliminary report is something that we can do. What you've got to realize is it might be seven months. It depends on our schedules and our other time commitments. And it's going to work the way it is.

I mean, putting an actual deadline usually doesn't work with scientists. So for the most part, you're going to get it when we're done with it, but you'll get a preliminary report in a timely fashion.

MR. CALOMO: Mr. Chairman, he's finally taking the bait a little more.

CHAIRMAN TRAVELSTEAD: The other unknown in this is you don't have any idea what the management board is going to tell you in that joint meeting as well, so you may end up with quite a different workload than what we anticipated right now, so just keep that in mind.

DR. CIERI: That would depend. Of course, it is a joint meeting.

CHAIRMAN TRAVELSTEAD: Okay, I understand. Other discussion from the board? Wilfred.

MR. WILFRED KALE: Mr. Chairman, you might want to have that the Atlantic Menhaden Management Board desires to have a preliminary report by the staff and technical committee by the August meeting, and the board will meet jointly with the technical committee and give the February date to develop, et cetera. That would be a much clearer and cleaner ending to the motion.

CHAIRMAN TRAVELSTEAD: Have you got that? Staff will put that up and we'll take a look at it. Yes, go ahead while they're working on that, Everett.

MR. PETRONIO: Thank you, Mr. Chairman. I strongly support the idea of setting some firm dates. As in everything, nothing happens until the last minute and if we have an open time frame here, I think that we're looking if it is seven months, well, it's not August it's November, and that's not seven. The math just keeps going up, so I really think that a firm target to shoot at would be appropriate, and I would support that.

CHAIRMAN TRAVELSTEAD: Thank you. Okay, can everybody take a look at that and make sure we agree to it. This is what we'll be voting on. Matt.

DR. CIERI: Just getting at your point, after we have the joint meeting, you guys might decide what your priorities are and where we should be going. You might decide something completely different from where we are right now.

I'd like to leave that possibility open rather than doing a drop-dead deadline that you set now. You might want to do something a little bit more flexible when you get to the February meeting.

You might decide that the TC's priority is to address deficiencies in the assessment versus an MSVPA model versus lots of other things. There's a lot of stuff coming down the pike that we're going to need direction as far as our priorities, so I'd be a little bit hesitant about doing a complete drop-dead deadline. You just might not get it.

CHAIRMAN TRAVELSTEAD: Other comments on the motion by the board? David.

MR. DAVID CUPKA: Thank you, Mr. Chairman. I, too, have some concerns about just leaving this open-ended. Given some of the concerns that we've heard from other groups out there, I think we do need to try and have some kind of date certain so that this just doesn't go on and on.

CHAIRMAN TRAVELSTEAD: If I could respond, I don't think anyone, including Matt and the technical committee, wants this thing to drag on forever. What I would suggest is we leave the language the way it is and recognize that there will be a joint meeting, another meeting of this board in February at which time there will be considerable discussion about all of the issues and an understanding of what the workload is on the technical committee.

And at that point in time, we might be able to set a more specific date of completion of the work by the technical committee, just a suggestion. It might help solve your concern there. Any other comments? Are we ready to vote? Gordon.

MR. GORDON C. COLVIN: Just a question and an observation, Mr. Chairman, that we'll need to give some thought to what process we're going to follow at our joint meeting in February so that if we're going to work together on developing revised goals and objectives, et cetera, we're going to need to have a fair amount of thought ahead of time about how to make that process work, straw proposals and some kind of a process-oriented, perhaps facilitated meeting, or we're not going to get there. That's just something for us all to think about.

CHAIRMAN TRAVELSTEAD: That's an excellent point. There was a fair amount of that type of discussion at the workshop, and I thought Matt did an excellent job of sort of framing the types of things, the types of issue and the types of feedback that the technical committee would need from the management board.

But, clearly, we do need to be thinking about those kinds of things, and I suppose we could get together with staff and Matt and see if we can't come up with some guidelines on how we'll operate the next meeting. And if any of you want to contribute to that, you're certainly welcome to. A.C.

MR. CARPENTER: Mr. Chairman, your steering committee that put together the work group did an excellent job of getting that. You may use that approach and pull that group back together to kind of facilitate or bound the joint meeting. I think that may be a very good idea.

CHAIRMAN TRAVELSTEAD: Okay. David, you had your hand up.

DR. PIERCE: I can support this motion with an understanding that it may be that when we get to the February meeting of next year, we won't be in a position to incorporate any ecologically based reference points in the stock assessment and management measures for menhaden, because we will not have any advice or conclusions from the technical committee that would enable us to do that.

This assumes that we will have those ecologically based reference points available for us to latch onto and then incorporate; so, again, we may not be in a position to do this. This is a very optimistic scenario, I would assume. And I hope we can, but, again, I guess it's kind of a "wait and see."

CHAIRMAN TRAVELSTEAD: Okay, any further discussion from the board? Is there a need for a caucus? Okay, Carrie is handing out the motion. We'll take a couple of minutes to caucus and let you read the motion. All right, let me read the amended paragraph. That's the one on the screen now.

The Atlantic Menhaden Management Board desires to have a preliminary report by the staff and technical committee by the August 2005 ASMFC meeting week.

The board will meet jointly with the technical committee at the February 2005 ASMFC meeting week to develop revised goals and objectives for menhaden management to incorporate ecologically based reference points in the stock assessment and management measures for menhaden.

All right, we're going to caucus for a couple of minutes, let you read the motion, and then we'll vote. Thank you.

(Whereupon, a caucus was held.)

CHAIRMAN TRAVELSTEAD: If you'll take your seats, then we'll get back to work. I assume you're ready to vote on the motion. Everyone now has a copy and is clear on the new wording that has been agreed to by the maker and seconder.

All those in favor of the motion, raise your right

hand, please; all those opposed raise your hand; any abstentions or null vote? The motion carries 17 in favor. David.

DR. PIERCE: Yes, I've got one more question that relates to the workshop and the business of this board, Mr. Chairman. Since you were at the workshop and, of course, staff and Matt was there, I need to be assured that you agree that -- and I'm referring to Page 3 now in the workshop document, Page 3 and 4, the top of Page 4.

I need to make sure that your collective feeling is that nothing has been recommended to us so far from -- well, nothing has been recommended to us from the working group participants that would cause us to initiate an amendment or addendum.

That was one of the points noted in this particular document, that we might use the recommendations to the board from that workshop as a way to begin today the development of some amendment or addendum.

My take is that there is nothing there for us to use, and that the better course of action is to just move forward with what we just decided to do through this past motion. Am I correct, Mr. Chairman?

CHAIRMAN TRAVELSTEAD: You are correct. There was no consensus at the workshop or from the technical committee or the plan review team, for that matter, or the advisory panel suggesting that we proceed with an addendum or an amendment at this point in time. Other comments, questions? Yes, sir, Everett.

MR. PETRONIO: Not to initiate a border dispute with my friends in Massachusetts, but in speaking with the staff, I do think that it would be appropriate to at least initiate the creation of an addendum to cap landings both coastwide and in the bay, so **I would like to make a motion that we begin the process to create an addendum to cap catch levels at present.**

CHAIRMAN TRAVELSTEAD: Cap them at the current year's level; is that the motion?

MR. PETRONIO: Current, correct.

CHAIRMAN TRAVELSTEAD: Is there a second to the motion? Is there a second to the motion? Is there a second to the motion? They're going to put it up on the screen there: Move that we begin the process to create an addendum to cap harvest at current levels. Yes sir, Pat.

MR. PATTEN D. WHITE: I have a question before I second the motion. I'm concerned about displacing effort with this type of a motion, and I wondered if it could be expanded to look into the capping of effort by areas or something similar to we do in the herring fishery?

CHAIRMAN TRAVELSTEAD: I think the prior motion addressed and actually asked the technical committee to look at area time closures as well as caps on harvest, so you should expect some discussion of that by the technical committee and be part of the report that they present.

MR. WHITE: Then do you feel, Mr. Chairman, that this would address that even though it just says to cap harvest levels?

CHAIRMAN TRAVELSTEAD: I think there will be, as part of the previous motion, an investigation into those issues by the technical committee.

MR. WHITE: All right, then I'll second the motion.

CHAIRMAN TRAVELSTEAD: Okay, we have a second to the motion. Bill and Vince.

MR. WILLIAM A. ADLER: Thank you, Mr. Chairman, just a question. Is this type of activity -- I don't have the amendment in front of me, and I don't know if this is the type of activity that can be done by an addendum or does it need an amendment?

CHAIRMAN TRAVELSTEAD: Bob Beal can respond to that.

MR. BEAL: The Amendment 1 to the menhaden fishery management plan does allow for implementation of quotas and area quotas, harvest caps through the adaptive management process, which would mean this can be done through an addendum.

CHAIRMAN TRAVELSTEAD: I'd like to ask Everett for a little clarification to his motion. The motion is a cap on harvest at the coast-wide level -- for the entire coast-wide harvest?

MR. PETRONIO: Thank you, Mr. Chairman. My thought would be I would -- that was my initial thought in doing this. Upon some reflection, I realize that this fishery is prosecuted both

in the Chesapeake Bay somewhat as a distinct fishery as compared to coastwide, so if someone were to consider suggesting some type of amendment where the activity in the Chesapeake were to be separate from coastwide, I would not consider it an unfriendly amendment.

CHAIRMAN TRAVELSTEAD: Other discussion on the motion? Vince.

EXECUTIVE DIRECTOR O'SHEA: Thank you, Mr. Chairman. I just would like to clarify one thing. When the motion was being made, there was reference to staff. The discussion that the staff had was in response to a question if someone wanted to cap the harvest, what would they suggest or how would they do that.

That was the advice that staff gave to the question. Staff does not have a position on the merits of such an amendment or addendum.

MR. PETRONIO: Mr. Chairman, if I may, that's absolutely correct, and I did not mean to give in any implication otherwise.

CHAIRMAN TRAVELSTEAD: Given the nature of the motion and the fact that Virginia is a major player in this fishery, and I'm not able to comment on the motion while chairing this meeting, I am at this time going to ask that A.C. Carpenter, the vice chair of menhaden, take over the chair of this meeting for its remainder, so that I can comment specifically to this motion as a representative from Virginia. So, A.C., you're now chair of the meeting.

MR. CARPENTER: Mr. Chairman, before I become chair of the meeting, I would like to speak to the motion on behalf of the Potomac River Fisheries.

CHAIRMAN TRAVELSTEAD: All right, well, it's somewhere in the middle here and it's headed your way.

MR. CARPENTER: Let me reserve my comments since you've asked me to chair the meeting, because I don't want to prejudice anybody's conversation yet; so with that, I would like to be able to comment at the end of this comment period.

CHAIRMAN TRAVELSTEAD: A.C., Bob has volunteered to chair the meeting if you feel you need to comment as well. It's an option available to you.

MR. CARPENTER: I would very much appreciate that.

CHAIRMAN TRAVELSTEAD: All right.

MR. BEAL: I'm not sure if "volunteered" was the right word. A.C., we'll go ahead and start with you since you had a comment.

MR. CARPENTER: Thank you very much, Mr. Chairman. The motion that we have before us troubles me right now in light of the fact of the previous motion that we have taken such a positive step in trying to develop some of the science, logic and reason that we're going to need to justify any cap.

The other part of this motion that truly troubles me is that the Potomac River, one of our major fisheries is a pound net fishery for menhaden. It is being used as one of the indexes that we have of adult abundance.

And, at least preliminarily for 2004, we are seeing probably the best harvest that we're going to see in the past decade. If you look at the historical information that was presented today, in the 1960s we had extremely low levels. In the 1970s and '80s we had extremely high levels.

There was no cap put on when the fishery was at its low to bring it back in the 1970s and '80s and '90s. I just think that at the present time this motion is premature, and I cannot support this motion because I would not want to see a cap placed on our fishery, which is a static fishery.

It's not as if we chase menhaden. Menhaden come to the pound nets. That's one of the reasons that it's being used as one of the indexes that we have. I'm going to have to oppose this motion. Thank you, Mr. Chairman.

MR. BEAL: Thank you, A.C. Jack has also indicated that he would like to speak on this; and I think following that, what I would like to do is get some perspectives both pro and con on this motion, and then hopefully not necessarily have a long debate on this motion, but try to get both perspectives on the table and then see if there is desire of any more discussion, and maybe we can handle this motion relatively quickly. So after that, Jack.

MR. TRAVELSTEAD: Thank you, Mr. Chairman. Virginia opposes the motion. We think it's out of order, not in a parliamentary sense, but it is out of whack with the prior motion that I thought set forth a very clear course to involve the technical

committee in developing and improving the science on this issue.

There are clearly very strongly held opinions on both sides of this issue. That never makes the job of a management board easy. What does make our job easy is when we have good science to base our decisions on. This motion tends to ignore that.

If you look at the advice of all of the various groups over the last six months, the technical committee, the scientific workshop, the advisory panel, the plan review team, none of those groups have recommended the immediate proceeding with an addendum.

That's not to say that one might not be needed in the future, but, clearly, it's not justified at this point in time. I think we simply need to give our technical committee a little more room to work.

The six months, based on Dr. Cieri's comments, appears to be adequate to get that done. If something were to happen between now and the February meeting, we could certainly come back and reconsider this.

We could consider it again in August when we have the final report from the technical committee. There is plenty of opportunity to react. There is no danger in that amount of time that this stock is going to collapse.

Matt has shown that the spawning stock is high and the harvest are relatively level in Chesapeake Bay. A couple of other practical aspects to consider. The fishery is just about to close for the year in Chesapeake Bay.
It will not reopen again until May so nothing is going to happen between now and then in terms of some type of outrageous harvest, so there is clearly some breathing room there.

The other practical aspect and the thing that worries me from time to time, particularly as chairman of this board, is it has been my desire to move this very controversial issue forward with a consensus-based approach where we can have the industry and the environmentalists and the recreational fishermen moving forward together on these issues.

That's the only way we're going to be successful. Otherwise, we're going to be butting heads against one another from now until the end of time. Menhaden management is unique in that we have one large company that takes most of the catch.

They have a fair amount of power and influence in important places. Here we are on the verge of asking Congress for millions of dollars to help solve these problems.

I'm afraid if we start to proceed with these types of premature motions, that we will alienate some of the very people that can help us be successful at management.

I would urge the board to not adopt this motion at this time, and I suppose parliamentarily **I could move to table the motion at this time.**

MR. BEAL: Are you making that motion?

MR. TRAVELSTEAD: I'll make that motion to table.

MR. CALOMO: I'll second the motion.

MR. BEAL: Vito Calomo has indicated he seconds the motion to table the previous motion. Let's begin with a hopefully brief discussion on the motion to table. Vito, since you seconded.

MR. CALOMO: Thank you, Mr. Chairman. I guess this is not debatable; is that correct? A motion to table is not debatable.

MR. BEAL: I think that is correct, but since you were the seconder, I thought you could make a brief comment, please. As a seconder, you can make a comment.

MR. CALOMO: Yes, I prefer to make a comment, Mr. Chairman.

MR. BEAL: Please do.

MR. CALOMO: Thank you, Mr. Chairman. I seconded this motion because I felt and I still feel very strongly to this point that we've had a very, very cooperative meeting on an issue that has been contentious since I was fishing back in 1958. I haven't fished since 1982, I guess.

I look at this meeting as a collaborative meeting between science, industry, the public, and that's the purist way I look at it up to this point. I feel that this motion may be well intended, and I'm not quite sure where it's coming from.

I feel that the motion that was previously passed is

absolutely heading in the right direction for all who are concerned, especially for the menhaden species because this is menhaden board. That's all I'll say to this point because I don't want to go on and on because I don't need to. Thank you, Mr. Chairman.

MR. BEAL: Thank you, Vito. Do the states need to caucus on the motion to table?

MR. FOTE: Point of order.

MR. BEAL: Mr. Fote.

MR. FOTE: Just a point of order. I mean, every motion is debatable, and even a motion to table. That's what Jack Dunnigan has said over the years, and we've debated motions to table.

You allowed people to basically speak on one side of this. A lot of us even got to have no chance to speak in the other motion before you got a motion to table.

I don't care, but I'm just concerned about the process here. I wasn't going to comment one way or the other, but I'm concerned that there were people that had their hands up that were ready to comment on the other and were not allowed to do that.

MR. BEAL: My recollection of Robert's Rules is that motions to table are not debatable. So with that, is there a need any state to hold a caucus prior to the vote? Jeff, you're indicating, yes, you need a caucus? All right, about one minute for a caucus please.

(Whereupon, a caucus was held.)

MR. BEAL: Are the members of the management board ready to vote on the motion to table? **All those in favor of the motion to table, please raise your right hand, 12 votes in favor; those opposed, like sign, 4 in opposition; abstentions, 1 abstention; any null votes, no null votes. The motion to table carries.**

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OTHER BUISNESS

Okay, are there any other discussions on the workshop recommendations or any other items under other business for the menhaden management board? Any other comments or any other issues before the Menhaden Management Board today?

ADJOURNMENT

MR. BEAL: The next meeting in this room will be the Spiny Dogfish and Coastal Shark Management Board at 10:45.

(Whereupon, the meeting adjourned at 10:25 o'clock a.m., November 9, 2004.)

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