

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

**Crowne Plaza Hotel - Old Town**  
Alexandria, Virginia  
August 2, 2011

Approved November 9, 2011

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## INDEX OF MOTIONS

1. **Approval of agenda by consent** (Page 1).
2. **Approval of proceedings of March 21, 2010 by consent** (Page 1).
3. **Move to adopt Draft Addendum V for public comment; with one change, to remove Options 3 through 5 from Section 2.3.1.** (Page 19). Motion by Doug Grout; second by Bill McElroy.
4. **Substitute motion to adopt Addendum V for public comment. Motion carried on Page 31 as the main motion.** (Page 19). Motion Tom Fote; second by Pat Augustine. Motion carried (Page 22).
5. **Move to accept the FMP Review and approve de minimis status for South Carolina, Georgia and Florida** (Page 23). Motion by Bill Adler; second by Pat Augustine. Motion carried (Page 23).
6. **Move to add Dr. Amy Schuler to the Plan Review Team** (Page 23). Motion by Steve Meyers; second by Jaime Geiger. Motion carried (Page 23).
7. **Motion to adjourn by consent** (Page 23).

## ATTENDANCE

### Board Members

Vincent Balzano, ME, proxy for P. White (GA)  
Steve Train, ME proxy for Sen. Langley (LA)  
Pat Keliher, ME (AA)  
Terry Stockwell, ME, Administrative Proxy  
Doug Grout, NH (AA)  
G. Ritchie White, NH (GA)  
Rep. David Watters, NH (LA)  
Rep. Dennis Abbott, NH, Legislative Proxy  
Bill Adler, MA (GA)  
David Pierce, MA, proxy for P.Diodati (AA)  
Rep. Sarah Peake, MA (LA)  
Jocelyn Cary, MA, Legislative Proxy  
Mark Gibson, RI, proxy for R. Ballou (AA)  
Rick Bellavance, RI, Proxy for Rep. Martin (LA)  
Bill McElroy, RI (GA)  
David Simpson, CT (AA)  
Dr. Lance Stewart, CT (GA)  
Rep. Craig Miner, CT (LA)  
James Gilmore, NY (AA)  
Pat Augustine, NY (GA)  
Andrew Voros, NY, proxy for Sen. Johnson (LA)  
Peter Himchak, NJ, proxy for D. Chanda (AA)  
Tom Fote, NJ, (GA)  
Adam Nowalsky, NJ, proxy for Asm. Albano (LA)

David Saveikis, DE (AA)  
Roy Miller, DE (GA)  
Bernie Pankowski, DE, proxy for Sen. Venables (LA)  
Tom O'Connell, MD (AA)  
Lynn Fegley, MD, Administrative Proxy  
Bill Goldsborough, MD (GA)  
Russell Dize, MD, proxy for Sen. Colburn (LA)  
Jack Travelstead, VA, Proxy for S. Bowman (AA)  
Sen. Richard Stuart, VA (LA)  
Catherine Davenport, VA (GA)  
Louis Daniel, NC (AA)  
Michelle Duval, NC, Administrative Proxy  
Bill Cole, NC (GA)  
Mike Johnson, NC, proxy for Sen. Wainwright (LA)  
John Frampton, SC (AA)  
Malcolm Rhodes, SC (GA)  
Robert Boyles, Jr., SC (LA)  
Spud Woodward, GA (AA)  
Michael Denmark, GA, proxy for J. Duren (GA)  
Aaron Podey, FL, proxy for J. McCawley (AA)  
Steve Meyers, NMFS  
A.C. Carpenter, PRFC  
Jaime Geiger, USFWS

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

### Ex-Officio Members

Jeff Brust, Technical Committee Chair

### Staff

Vince O'Shea  
Bob Beal  
Toni Kerns

Danielle Brzezinski  
Mike Waine

### Guests

Loren Lustig, PA  
Rep. Peter Martin, RI  
Wesley Patrick, NMFS  
Diedra Gilbert, ME DMR  
Steve Ruckman, Baltimore, MD  
Adam Snyder, AG Ofc, Baltimore  
James Price, Ches. Bay Eco. Found.  
Derek Orner, NOAA  
Theresa Labriola, PEW Envir. Grp.  
Jeff Kaelin, Lund's Fisheries, Inc.  
Jennie Bichrest, Topskam, ME

B. Bensley, Warrenton, VA  
Bonnie Bick, Sierra Club  
Bob Geisler, MSSA  
Charles Hutchinson, MSSA  
Chuck Prael, MSSA  
Pete Jenson, Wallace & Assoc.  
Pam Gromen, NCMC  
Jay Odell, Nature Conservancy  
Ken Hastings, Mason Springs Cons.  
Ed O'Brien, MCBA/NACO  
Janice Plante, Comm. Fish. News

Jimmy Kellum, Weems, VA  
Ross Kellum, Weems, VA  
Wilson Laney, MSFWS  
Ben Landry, Omega Protein  
Kristin Cevoli, PEW Group  
Shaun Gehan, Kelley Drye  
Braddock Spear, Sustainable  
Fisheries Prtnrshp.  
Larry Jennings, CCA MD  
Michael Fineham, MD Sea Grant  
Drew Minkiewicz, KDW, D.C.

The Atlantic Menhaden Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, August 2, 2011, and was called to order at 4:15 o'clock p.m. by Chairman Louis Daniel.

### **CALL TO ORDER**

CHAIRMAN LOUIS DANIEL: If I could have the Atlantic Menhaden Board to the table, we will begin in board deliberations. Good afternoon; I'm Louis Daniel. I am the chairman of the Atlantic Menhaden Board. I took over for an early departed George Lapointe who we all miss and wish well.

### **APPROVAL OF AGENDA**

CHAIRMAN LOUIS DANIEL: You've got an agenda. I'd like to try to stick to the agenda and try to go as quickly as we can. Are any board members aware of any other business that I need to be aware of at this time? Okay, if not, we have got an agenda.

### **APPROVAL OF PROCEEDINGS**

CHAIRMAN LOUIS DANIEL: The proceedings from your March 21, 2011, meeting, I would like to accept those by consensus if there is no objection. Seeing none, we will move on.

### **PUBLIC COMMENT**

CHAIRMAN LOUIS DANIEL: At this point I'm going to ask for public comment, but I'm going to remind the public that at this public comment period we will be only taking comment on issues that are not on the agenda. I have a list of folks that would like to speak, and I'm assuming that those comments are going to be on issues not on the agenda. If you do want to speak about Addendum V, you will have that opportunity after the board deliberates on the discussions. With that said, the first person I have signed up to speak is Ken Hinman.

MR. KEN HINMAN: Thank you, Mr. Chairman and Board. Following the 2010 Menhaden Stock Assessment, the SEDAR 22 Review Panel recommended that alternative reference points be considered to provide better protection for the spawning stock or population fecundity. After reviewing the stock assessment report and the scientific literature on menhaden and the stock-recruitment relationships in marine fishes, we find that there is strong support for assuming that (A), low

recruitment over the past decades has likely been influenced by the condition of the menhaden spawning stock during that period; and (B), an increase in spawning stock with a more balanced age structure would substantially improve the chances for good recruitment events in the future.

Now, I have submitted a paper, "Spawning Stock Recruitment and Rebuilding", that has been circulated and I hope you will all take a look at that at your leisure, but it cites the scientific basis for these assumptions. I do want to make a quick summary, though, for the purposes of this meeting.

The UN Food and Agricultural Organizations Manual for Stock Assessments advises that unless it is scientifically demonstrated that there is no stock-recruit relationship, such a relationship should be assumed to exist even if the data are ambiguous. The data for menhaden, if ambiguous, definitely do suggest a relationship. The paper points out that the current period of prolonged poor recruitment has coincided with both the steep decline in numbers of spawning-age fish and a change in the age structure; that the stock depends almost entirely on young, first-time spawners for reproduction; fish that have little chance for repeat spawning; that older, larger female menhaden produce more eggs than younger, smaller fish, perhaps as many as ten times more.

They have a longer spawning season and they distribute their eggs over a larger geographic area. Their larvae are more viable because they devote more energy to reproduction than to growth. Older spawners can outlive periods unfavorable to recruitment and take better advantage of more favorable conditions.

Not surprisingly, Quinlan et al, in looking at menhaden hypothesize that a healthy menhaden spawning stock with a well-balanced age structure under favorable environmental conditions for recruitment substantially increases the odds of higher recruitment events and stronger year classes. They also believe that age distribution of adults may influence the supply of larvae to particular estuaries.

Menhaden larvae that enter Chesapeake Bay, for instance, the nursery for up to 40 percent of the east coast menhaden, are supplied primarily from spawning to the north of the Mid-Atlantic Bight;

and when older, larger fish are removed from the population as we have seen over the last two decades, spawning in the north can suffer and so can overall stock recruitment.

Again, I hope you'll take a look at this paper; and just to conclude that in our view although the stock-recruit relationship in Atlantic menhaden remains unknown, there is ample reason to believe that fishery management measures designed to restore the population of Atlantic menhaden will increase abundance and substantially enhance opportunities for improved recruitment; thus increasing overall abundance in the future. That means higher yields for the fisheries and more food for menhaden's many dependent predators. Thank you very much.

CHAIRMAN DANIEL: Thank you, Ken. Next I have Charles Hutchinson.

MR. CHARLES HUTCHINSON: My name is Charles Hutchinson and I represent the Maryland Saltwater Sport Fishermen's Association. I am going to be very brief because there are a lot of people here with a good deal to say. There are a few points that I want to be very clear about.

First, there has been a lot written about menhaden recently. Some from the commercial arena have been urging you not to act precipitously. Since the call for action has been going on for almost a decade, measurable progress could hardly be considered precipitous. Second, there is one thing that has been precipitous, and that has been the shrinkage in the abundance of menhaden. Most of us would like to bring this slide to a halt precipitously.

We expect you to get that process underway today. The third point I had you've already answered that there will be an opportunity for people to speak to the options. Thank you very much.

CHAIRMAN DANIEL: Yes, sir, thank you. Next is Jerry Benson.

MR. JERRY BENSON: Mr. Chairman, I'd like to reserve any comment until an appropriate period. I can't qualify under the ground rules that you've set.

CHAIRMAN DANIEL: Thank you for that; I appreciate that. Ben Landry.

MR. BEN LANDRY: Thank you, Mr. Chairman and members of the commission. My name is Ben Landry. I'm with Omega Protein. What I'm here to speak to you today – I don't want to take a great deal

of time, but I do want to let you guys know of an aerial survey and biological sampling that has been going on that the industry has sponsored through the University of New England in the northern range of the species in the New England area.

The reason for this is that population has been unidentified in a real way through the stock assessments through the years, and it was one of the calls that peer review team made in the last stock assessment. The National Marine Fisheries Service as well in Beaufort has identified as kind of data gap that they would like to see achieved.

Omega Protein, in conjunction with several of the bait companies in that area, has kind of begun that effort through sponsoring and through in-kind contributions to the survey itself. It's important to know that this information is going to hopefully aid the technical committee's stock assessment subcommittee in their ability to better identify the entire coast-wide population of menhaden.

The statement of the problem was vetted through the technical committee and overwhelmingly the technical committee came back with the notion that you guys should move forward on this and that this data will be able to provide us with a better snapshot of the population. We just wanted to bring you guys up to speed on that. The good news is that the preliminary test runs have seen, from what I understand, positive signs of schools being identified in Maine and Rhode Island and in that area. Hopefully, we'll have some good results that come through it at the end of the survey. Thank you.

CHAIRMAN DANIEL: Thank you. Jeff Kaelin

MR. JEFF KAELIN: Thank you, Mr. Chairman. I'm Jeff Kaelin and I work with Lund's Fisheries in Cape May, New Jersey. Actually, I just wanted to come to the mike to explain what Ben just explained, and that is that we're partnering up to try to get an aerial survey up and running in northern section of the range of the resource and still trying to get some sample from that range, which will change the picture in the assessment we think down the road.

The only other thing I wanted to mention – I know I can't comment on Addendum V, but we did send a letter to the commission. It kind of

came in dribs and drabs and there are 44 signatures on that letter. Some of the members that I've been talking to around the table don't have that copy with all those signatures on it. Some people said they had problems with their CD.

I just looked at my CD a moment ago and I don't know what is on there. I just wanted to explain that the real focus of that letter is we tried to let people know what you guys were up to essentially. There were a lot of people in the fishery that really understand that you were wrestling with new reference points and potentially poised to develop some management measures in this fishery. We will work with the staff to make sure you all get a copy of that letter with all those signatures on it in the end. We're excited about the aerial survey. I don't know how we're going to pay for it year after year, but we are starting that process. It's a partnership between the reduction fleet and the bait industry really from Maine all the way down to North Carolina. Thank you, Mr. Chairman.

CHAIRMAN DANIEL: Thank you. The letter being referenced should be in the supplemental materials of your briefing book. I did receive that from multiple sources. Did anyone not receive that letter or has anybody not seen that letter? It looks like everybody has, Jeff, so I think we're okay. That's all I had signed up to speak on items not being addressed in the agenda. Is there anyone else before we move forward? Raise your hand if you want to speak because I'm only going to call on the two hands that I see.

MS. JENNIE BICHREST: My name is Jennie Bichrest and I represent Purse Line Bait up in Maine and also a small menhaden seiner, the Ruth and Pat. I just mostly want to say that I am a menhaden advisor, and I am dumbfounded at the fact that we are already at the table and the advisors not been called upon or even formally notified of any of these meetings.

I guess I don't understand why you have an advisory panel if you don't call on the industry members to give input before we get to this stage of the game. I guess I would just say that I've been on the panel for two years and we've had one meeting and that was in September of 2009. I would like you to please consider calling upon the industry and call an advisory panel meeting so that maybe we could have some input in this. Thank you very much.

CHAIRMAN DANIEL: Thank you, and the advisory panel will asked to meet and comment on

the draft addendum or addenda or amendments or whatever it is we decide to do today. Final comment.

MR. PATRICK PAQUETTE: Thank you, Mr. Chairman. My name is Patrick Paquette. I'm a recreational fishing advocate from the state of Massachusetts on this subject. I represent multiple groups from New England. Two points not on the addendum; one was just to remind the board that a lot of us that are struggling with the striped bass issue, especially in Massachusetts, continue to hear anecdotal reports of plenty of fish but not where they're legal for us to catch.

Our belief, especially from the Stellwagen Bank Charter Captains Association, which is one of the groups that I do business with, is that a lot of this problem is about availability and the lack of forage in state waters. This is an opportunity to help us boost the forage at this board. I just wanted to remind you the issue before this board today and always are highly linked to the health of at least – or the availability of striped bass in our waters.

On a second subject, in preparing for this meeting I had an opportunity to read the Massachusetts State Compliance Report. In following with some questions and talking to Dr. Mike Armstrong from the Massachusetts DMF, I learned that there is a large amount of menhaden being landed through Massachusetts – at least Massachusetts docks that are caught in federal waters outside of New Jersey to the tune of tens of millions of pounds. In 2009 I believe it was 14 million pounds.

That baffled me a little bit because I wasn't sure what ACL or AM that fishery was managed under, and I wasn't sure if it was exempted because it was ASMFC managed. I just wanted to point that out to the board that there is this big – I believe it's a bait fishery but I'm not even sure of it, happening and being landed through at least Massachusetts docks that I'm not quite sure there is a management plan falls under.

I, for one, had a hard time understanding how it was legal, and so I just wanted to point out that the board may, in the future, want to consider taking a look at whatever this fishery is that's going on in federal waters outside of New Jersey, because I believe that could be the toll booth that's blocking some of the fish that we are hoping make it to Massachusetts. Like I said, I

would like to learn more and I would like to at least know that the board has got a handle on that fishery because we question why sometimes we're missing different populations of menhaden up in our waters. That's it; thank you.

CHAIRMAN DANIEL: Thank you; is there a question for the presenter? Pete.

MR. PETER HIMCHAK: I just wanted to comment on the question that Mr. Paquette brought up. It is a legal fishery. There are no regulations outside three miles. Our bait fishery operates outside of three miles and their landings are all captured at the point of landing. If a vessel is fishing outside three miles and it comes down from Massachusetts and it goes back to Massachusetts, it's a legal fishery. It just has to be tallied up under Massachusetts bait landings. If it's showing up in the compliance report, there is no problem there, it's being accounted for.

CHAIRMAN DANIEL: Thank you for that clarification. All right, that takes us into our next agenda item, which is the consideration of Draft Addendum V for public comment, and Toni is going to take us through that document.

## **OVERVIEW OF DRAFT ADDENDUM V FOR PUBLIC COMMENT**

MS. TONI KERNS: On your Briefing CD was included a copy of Draft Addendum V and I'm going to go through that for you this afternoon. At the last board meeting in May, the board had a motion that included the following wording, "To utilize the goal to increase abundance and spawning stock biomass and initiate an addendum to implement an interim reference point of 15 percent MSP level and develop a suite of management measures the board could use in managing the fishery."

The PDT used this direction to develop Addendum V. Currently the board is reviewing the addendum that the PDT developed and considering to approve it for public comment. If the board moves forward, the public comment period would be this August through October for board review in November and then implementation would need to be decided once the board approved final options.

The purpose of this document is to use an F level at 15 percent MSP as an interim F threshold and to avoid overfishing and an increased abundance in spawning stock biomass. A 15 percent MSP would equate to a fishing mortality rate threshold that would be required to maintain approximately 15 percent of

the spawning potential of an unfished menhaden stock. An unfished menhaden stock is equal to a hundred percent MSP.

We also propose a suite of potential management tools that we could use to manage the fishery to or towards the F target. Our current F reference points were set at a level that allows the stock to replace itself. That current F as of the 2008 assessment is an F of 2.28. Overfishing is occurring because our threshold is 2.2. The reason why we originally set these reference points, we did this to account for older female menhaden releasing more eggs than the younger fish.

Overfishing has been occurring in the last 32 of the last 54 years, but in the last 9 years it was not occurring. This information comes from the most recent stock assessment. Other indicators of stock status such as trends in recruitment and fishing mortality on fully recruited ages raised concern about the appropriateness of the current reference points for Atlantic menhaden.

The peer review had recommended reference points that would better protect SSB relative to the unfished level, and that peer review had recommended MSP as one of the choices. Fishing at the F threshold reference point in the terminal year of 2008 has resulted in an approximate 8 percent of MSP or 8 percent of the unfished stock.

Recruitment appears to be independent of fishing mortality and spawning stock biomass; therefore, the environment may be the defining factor of a good year class. If the environment is the driver, then the MSP approach may not result in better recruitment. However, there is a possibility that the stock may be able to take greater advantage of favorable environmental conditions if a larger percentage of the spawning adults remain in the population.

In order to manage fishing mortality to the target, the board will need to consider changes in the management tools used to regulate the fishery. The document proposes a suite of management tools that could reduce fishing mortality. Amendment 1 had identified a suite of management measures that could be used but did not specify how those management tools would be implemented for the menhaden fishery.

The only commercial measures that are currently in the FMP are the harvest cap in Chesapeake Bay, although some states have implemented various measures within their state waters that would restrict harvest through the use of several different types of management tools. The list of all those measures are in Appendix 1 of your document.

Atlantic menhaden has supported one of the largest fisheries since colonial times for the reduction fishery. In 2004 there were two reduction plants operating on the Atlantic coast; one in Reedville and one in Beaufort, North Carolina. Since 2005 the Omega Plant in Reedville, Virginia, is the only active reduction fishery on the east coast.

The 2010 menhaden harvest for reduction purposes was 183,085 metric tons. This is up 27.3 percent from the 2009 levels and up approximately 20 percent from the previous five-year average. The harvest of menhaden as bait is used for a variety of uses, both commercial and recreational. It's associated with a range of directed fisheries using seine, pound and gill nets and bycatch fisheries targeting other species.

Dead bait is used in pots and for commercial hook-and-line fisheries and live bait is a very important recreational slow-trolling in the hook-and-line domain. The total reported landings of menhaden for bait on the Atlantic coast averages about 36,000 metric tons for the period of 1985-2010. The reported bait landings in 2010 increased from the previous year with 44,000 metric tons. This is 20 percent of the total harvest.

The Chesapeake Bay Region has been the largest harvester of menhaden since the nineties with the Mid-Atlantic only exceeding the Bay harvest in 1992 and 1997 and in the last year, 2010. The 2010 Chesapeake Bay bait harvest declined to approximately 18,000 metric tons, and the Mid-Atlantic bait harvest increased in 1992 and then decreased in the mid-2000's. The Mid-Atlantic harvest increased to the record value of approximately 23,000 metric tons in 2010.

The New England bait harvest was less than 1,000 metric tons from the mid-nineties to 2004, and then in harvest that harvest began to increase and it reached approximately 8,000 metric tons in 2007 and then declined to 2.3 thousand metric tons in 2010. The South Atlantic harvest has been less than a thousand metric tons for the last nine years.

Menhaden are also an important bait in many recreational fisheries. Some recreational fishermen employ cast nets to capture menhaden or snag them with hook and line to be used as bait, both dead and alive. The recreational harvest is not well captured by the MRIP program because there is not a known identified direct harvest for menhaden.

The MRIP intercepts typically capture landed fish from recreational trips as fishermen come to the dock or the beach; but since menhaden are caught by recreational fishermen and then used for bait during their trips, they're not going to be part of the catch that is typically seen by the surveyor that is completing the intercept. As you can see from the figure the landings have varied over time with a high of 1.5 million fish in 1992 and a low of zero in 2009.

The ecological role section of this document is meant to just update the ecological role of the FMP. It is not meant to be a complete look at the ecological role that menhaden serves. In addition to the importance that menhaden's role plays as a forage fish, some of the new research suggests that menhaden's filtering ability may not have a significant impact on water quality and may not mitigate the effects of excessive nutrient loading as previously thought.

Now to the management options; the first set of management options will reflect changes to the reference points. In the document the technical committee has conducted projections in order to determine how much of a harvest reduction compared to 2010 levels we would need to either achieve the threshold or the target.

Those projections are based on the terminal year results, 2008, of the assessment with a constant fishing mortality associated with the corresponding percent MSP. The projections assume no stock-recruitment relationship in recent years and have a random variation in recruitment. The first option, status quo, we would have our F threshold, which is replacement F at 2.2. The current value is 2.28, which means overfishing is occurring.

We would need approximately a 20 percent reduction in harvest to achieve this threshold from 2010 harvest levels. The current target is the 75<sup>th</sup> percentile of the observed ratios, and that's 0.96. The second option is to change to an

interim 15 percent MSP threshold level. The corresponding F at 15 percent is 1.32.

If the F is greater than 1.32, the board would need to take steps to reduce F. If F is between the target and the threshold, the board should consider steps to reduce F. Because overfishing is currently occurring, a reduction in harvest would be necessary. The projections show that a 23 percent reduction from 2010 levels is necessary.

This would be a total harvest of 174,332 metric tons. For all the options that will be presented forward, it is important to note that future harvest limits would depend on the population size. In the event of a positive response in recruitment as a result of increasing SSB, the total allowable harvest achieved at the target mortality rate could increase.

Therefore, gains rather than reductions may occur while keeping the F rate at the F target. Because there was a proposed change in the threshold, the plan development team went ahead and presented the board with options for changes in the target so that you could have your target in the same currency as your threshold. Options 3 through 5 present changes to the target.

The board could select any value within the range of the options presented for public comment, and the range of options is anywhere between 20 and 40 percent MSP. The board does not have to adopt a change in the target if they do not want to. The first change in the target option is a 20 percent MSP. This is an F level of 0.986. This is approximately the current F target level. The current F target level is 0.98.

This is lower than the current threshold and the reduction necessary to get to this target level is about 27 percent from 2010 levels, and it would be a harvest level of 165,850 metric tons. This target could provide a modest buffer against uncertainty while still increasing the productivity of menhaden. It is at the lower end of the range for reference points to forage fish.

The second target option is a 30 percent MSP. The F associated with this is 0.62. This also is lower than the current threshold. A reduction would be necessary to achieve this target of 37 percent from 2010 levels. It's a total harvest 143,234 metric tons. A 30 percent MSP is recommended when the stock-recruitment relationship is lacking, as in menhaden, in the scientific literature. This is at the upper end of the range for reference points.

The last option is a 40 percent MSP target. It corresponds with an F level of 0.418. This, too, is lower than the current threshold. The reduction necessary would be 45 percent from 2010 levels, and the associated harvest is 124,388 metric tons. Magnuson-Stevens National Standard 1 recommends a target level of above 38.5 to 50 percent of the unfished stock for forage fish, and this target level reflects the importance of menhaden's ecological role while providing fishing opportunities.

The next section of the document addresses possible management tools. The tools that are proposed are to narrow the focus of a range of possible management tools that would be used to constrain the fishery. Because the board did not give the plan development team a lot of specific direction on the types of tools that the board would want to consider, the plan development team suggests a second addendum would be necessary in order to give more thorough direction on the implementation of a suite of possible management tools.

What they were looking for is for the board to take this out for public comment and then narrow down the number of management tools that you're interested in using to manage the fishery and then they can give more specific ideas on how to get there; so if you want to do a quota, how we allocate a quota to the different fisheries.

For the recreational fishery, we would need to consider changes to the monitoring requirements of the recreational fishery if management tools were changed. The current data collection is insufficient to capture recreational menhaden harvest, and we would recommend that the board make recommendations to the MRIP program in order to get a better account of recreational harvest.

The options that the board can consider would be status quo. In the current FMP there are no recreational measures for menhaden. Option 2 would be changes in size limits; Option 3, bag limits; and Option 4, changes in seasons.

For the commercial fishery, the plan development team stresses the importance for changes in the commercial fishery would be for both the bait and the reduction fishery; and that for most of the most of the measures that are being proposed there would be need to be

additional monitoring requirements for the commercial fishery.

As a reminder, there are no monitoring requirements in the fishery management plan for bait harvesters, so not all bait harvesters are required to report in all states. The different options that are presented – and I'm not going to go through each one in thorough detail – first is status quo. The only commercial measure that we have is the Chesapeake Bay harvest cap. Option 2 is to utilize trip limits for the fishery.

Option 3 is to look at gear restrictions; Option 4, season closures; Option 5, area closures. Option 6 is quotas; and again stressing the need for additional monitoring requirements if quotas are put in place since we don't have an accurate account of the bait fishery. Option 7 is looking at effort controls and Option 8 is limited entry.

The addendum also looks to update the social and economic impact section of the document. It does not replace that section. It just gives additional information. Accurate impacts of specific measures that are addressed in the addendum can only be estimated by data which are currently not available. What is known at this time is that a reduction in the total allowable catch no matter what the form would directly impact the Chesapeake Reduction Fishery Employment Profile and potential reductions in workforce are estimated to be proportional to the reductions in harvest.

For the commercial fishers who depend on menhaden as bait, they would be impacted to the extent that they could not have a suitable alternative. It's difficult to provide any direct and indirect impacts to this sector at this time. The New England operators indicated that the most dramatic impact on their fishing operations would be inside or bay closures.

If status quo options are adopted and no changes to the management program are made, there could be possible long-term negative impacts to the stock. If overfishing continues, the population abundance could decline over time, decreasing the number of available menhaden for harvest for both the commercial and the recreational fisheries, as well as the ecological services that menhaden provide.

This loss in harvest over the long term could have a negative economic impact on both sectors. The board would need to recommend dates for implementation of management measures if adopted as well as the board would need to consider which, if any, options to recommend to NOAA Fisheries for

implementation in federal waters. I can take any questions on the addendum.

### **BOARD DISCUSSION AND ACTION ON DRAFT ADDENDUM V FOR PUBLIC COMMENT**

CHAIRMAN DANIEL: Thank you, Toni, very well done. I did want to clarify – and I should have done this before Toni started – that it was my request to ask the plan development team and the technical committee to put together the targets in the similar currencies of the threshold MSP. If there are any concerns about the technical committee moving off on their own, it was not them. I asked them to do that. Jack.

MR. JACK TRAVELSTEAD: Well, your comment just then addressed my first concern, but I would like to raise it, anyway. When I got a copy of the addendum, I was quite surprised in that it did not match my recollection of the discussions and motions passed by the management board. I went back and looked at the minutes of the meeting, and you'll recall the motion that I made that would have the board head toward more ecosystem-based management of the stock and that the technical committee suggested that it would probably be two years or more before we would be able to do that.

Then Mr. Grout offered sort of an interim motion to get us on the way to doing something to help this stock. He offered a motion to consider changing the threshold reference point to MSP 15 percent. Then Mr. Augustine made a motion to amend that to consider a whole range of MSP options and that was voted down by the board.

When I left the room at the last meeting, I thought, okay, we're probably looking at a 15 percent MSP and that's perhaps doable. Then when we got the document, I see a whole series of other options that could result in reductions as high as 40-something percent in the harvest. That is quite worrisome to Virginia, as you can imagine.

Harvest reductions in that range would very likely disrupt our blue crab fishery that is so dependent on menhaden for bait. I think we need to take those kinds of things into account. I guess your explanation is the explanation. There was also a lot of discussion during the last board meeting about how small reductions in harvest could benefit the stock.

There were a lot of folks that suggested a 5 to 10 percent reduction in harvest could have a tremendous benefit for the stock. Then when I get the addendum, it talks about very high reductions in stock, so I guess I'm wondering out loud how we went from those discussions of 5 to 10 percent reductions to now 23 to 45 percent reductions. Why did the numbers change so drastically?

MS. KERNS: Jack, when Rob gave you the guys the 10 percent estimate at the last board meeting, he had said that he was doing a back-of-the-envelope calculation and he sort of did it on the fly up here. He was doing those reductions based off of the 2008 harvest levels; and because 2010 harvest levels have been higher than 2008, those reductions ended up being more significant than they would have been compared to 2008 harvest levels.

MR. JEFF BRUST: In responding to the first part of your question, if I understood your question correctly, you're wondering why there were so many options up there and why some of the reductions were so large. As you noted, there was only one option to reduce the threshold to the 15 percent MSP and that is the only one that is addressing the threshold.

Because we are fishing at the threshold, which is the absolute maximum that we want to do, the technical committee also wanted to give the board the option to address the target as well. Right now our target is approximately 20 percent MSP, and one definite caveat for having your threshold and your target is you need to have a significant – you need to distinguish between the target and the threshold easily.

We just wanted to give the board the opportunity if they're changing the threshold to 15 percent, do they think 20 percent is significantly distinguishable from 15; and if not, we wanted to give you the option to change it if you chose. Most of those options up there address the fishing mortality target, and those are the larger cuts; the 23 to 45 or whatever. Hopefully, that clarifies it some.

CHAIRMAN DANIEL: Jack, does that address your concerns?

MR. TRAVELSTEAD: I accept that explanation; it doesn't address my concerns.

CHAIRMAN DANIEL: Well, I have to take some responsibility for not being at the last board meeting and that could not be helped. Perhaps had I been

there, I would have been able to give a little more direction to the PDT in that regard and recognize that discussion went through. I have to take some responsibility for that as well. For that, I apologize. David.

DR. DAVID PIERCE: Notwithstanding Jack's points, there was an interesting aspect of the presentation given by Toni that is reflected on Page 14 of the document. It's a real good addition; one I hadn't thought about and certainly we didn't focus on it at our last meeting, but it seems appropriate to be included now in light of this array of possible target reference points, and that is something that I had forgotten about.

It reads the Magnuson-Stevens National Standard Number 1 Guidelines give us, well, a range of 38.5 to 50 percent MSP – I'm reading that correctly; aren't I – yes, 38.5 to 50 percent MSP for forage fish. Menhaden is clearly a forage fish or forage species. Therefore, it's a good catch as far as I'm concerned, a good thing to include as we talk about changing reference points.

How can we ignore that guidance? It's not ASMFC guidance; I recognize that, but still we stand to be guided oftentimes by Federal National Standard Guidelines. With that particular point made, that range given, it seems sensible to have in this document the upper end of the percent MSP targets; that is, the 40 percent MSP.

Yes, indeed, it is high; and, yes, indeed, it does result in very significant catches in harvest, but it's consistent with National Standard Number 1 Guidelines and the focus that has been given to forage fish; what you need to do when you are setting a target for an important forage species. Perhaps accidentally, serendipitously, it's in here and I think it's appropriate to include it to bring it out for public hearing because it is so very consistent with much of the comment that has been made by those concerned about the impact of fishing on menhaden as an important forage species. I like it being in here even though it wasn't a percent MSP value that was discussed and I guess voted on at the last board meeting.

DR. DANIEL: Thank you, Dr. Pierce. I've got Lynn Fegley next.

MS. LYNN FEGLEY: I have some concerns about getting focused on the reductions. My recollection of the explanation at the last board meeting was that the reductions in harvest that were presented to the board were the result of Amy's projections; so that when you reduced your fishing mortality to the equivalent of 15 percent, over time you would realize 10 percent less landings and the numbers that were actually presented to the board, after looking at Amy's white paper, were the average landings in year 18 of implementation.

Further, if you look at the graphs that were produced, there is this incredible range of what a reduction might be in any given year because of that variability in recruitment. I think it would help – my concern is that we're getting focused on these reduction numbers and we're not going to be focused on what is a reasonable and sensible framework by which to manage this fishery.

I think it would help if the board could understand in terms of these reductions from 2010 levels; those are projected off of 2008, the terminal year of the assessment, but when would the board have further information? We're not due to have an assessment for another year, but is it possible to run an analysis that includes more recent data that will give the board a clear understanding of what the actual reduction might be?

MR. BRUST: I can try to answer that. Basically, you hit the nail on the head, yes, all of the reductions are based on the projections. Because 2008 is the terminal year of the assessment, we had to base it on that terminal year. We could, resources willing, do something in the interim to get us a more accurate picture, but the Beaufort team that does most of this assessment work for menhaden, they're overworked.

They have stated explicitly they don't have the time to put into it that they need to. Perhaps the technical committee could come up with other indicators that might put us in the ballpark without doing a full-blown assessment, but really the only way to get the best numbers is to do an assessment, and doing one every year is hard, as we all know.

I will say the technical committee went around this – going back to the absolute numbers of reductions, the technical committee went back and forth on whether we give you specific numbers or just percentages. Because this is an environmentally driven species, everything changes every year, and that point can't be stress enough.

The percentages and the absolute values that we're putting up there, they can only be used as ballpark numbers. It's going to change every year, but we needed to do something. The best way to get those numbers is to do an assessment every year, but we just don't have the resources to do that.

CHAIRMAN DANIEL: Next is Ritchie White.

MR. G. RITCHIE WHITE: Mr. Chairman, a suggestion if this goes out to the public; the graph for the recreational harvest I noticed was in thousands of pounds and the others were in metric tons and to keep less confusion – I know it won't show much in metric tons, but I still think keeping it all the same would be helpful.

CHAIRMAN DANIEL: Thank you, Ritchie; so noted. Doug Grout.

MR. DOUGLAS GROUT: Mr. Chairman, as maker of that motion to try and get some kind of interim reference point in place, I want to remind the board that this was an interim reference point and that our ultimate goal was over a two- or three-year period we'd start looking at an ecosystem-based reference points, but it was an attempt to try and start doing something now. I, too, like Jack was surprised, particularly given the vote of the board, that we suddenly had a range of target reference points which had clearly had been voted down by the board.

I understand the technical committee wanting to have the target and the reference point being the same currency; and if we were looking at this as a long-measure, I would agree with them. I would say, yes, we need to have a variety and they need to be in the same currency. My intent with this whole motion was to establish a new threshold that would be more conservative because it was a recommendation of our peer review panel that we look at different reference points.

I made no intent to change – I didn't mention any changes to the target in my motion. The point was to have a more conservative threshold so that it would trigger management action quicker than what it does right now. Clearly, if we adopt the 15 percent MSP we had been overfishing longer than we thought we had in more recent years.

In the plan it calls for us reducing harvest down to the target when we're overfishing, and that was the intent with this. I would like to see the target options in here removed from the document and let's focus directly on – we have a certain percentage cut that we need to make to reduce to the current target and then start going out and looking at how we're going to do that either in this document or in another document.

I know there is a lot of discussion here but I would like to make a motion to remove – if you think it's appropriate to do it at this time, to remove the sections that have the range of target reference points that's Options 3 through 5 in this because it wasn't the intent –

CHAIRMAN DANIEL: Can we hold off on that –

MR. GROUT: I would be glad to.

CHAIRMAN DANIEL: – because I've got an idea I want to float out there after we get initial discussion here. Mr. Train.

MR. STEPHEN TRAIN: Toni, I've got a couple of questions just to kind of clear some things maybe. I don't have enough of a background to understand it all the way, but the original approximate Fmsp was about, what, 8 for this fishery; 15 is a new number?

MS. KERNS: Our reference points are not in MSP currency right now but it approximates to approximately 8 percent.

MR. TRAIN: And the level of all the –

MS. KERNS: In 2008.

MR. TRAIN: And the level of overfishing at the current benchmark is?

MS. KERNS: About 4 percent.

MR. TRAIN: About 4 percent?

MS. KERNS: Correct.

MR. TRAIN: And that's the first time in nine years that we've overfished this resource?

MS. KERNS: That we have been overfishing, yes, but we have not been at the target, so we've been between the threshold and target and closer to the threshold.

MR. TRAIN: I know I haven't been here very long, two meetings, but we've been talking about other overfished species for three days and done practically nothing; and we've got one that's barely overfished for the first time in nine years and we're talking about changing the benchmarks to be more restrictive? It just seems a little extreme to me.

CHAIRMAN DANIEL: Well, I think the issue that came up was how appropriate is that 8 percent? The idea is that 8 percent is not very risk averse when you're talking about a forage species like menhaden. That's the argument and so what National Standard 1 does and the concept for a forage species is that you need to manage it at a much higher, more conservative level than, say, some of the other species that we deal with.

In most plans we'll have a 20 percent threshold and a 30 or 40 percent target, and for menhaden we're at an 8 percent threshold and a 20 percent target, so we're managing a forage species far less cautionary than we do a food fish. The concept is that if we're overfishing – at this point if we're overfishing at threshold of 8 percent, that's considered to be extremely risk prone according to a number of our constituents.

The idea is that really apriori any additional management actions, we need to be talking about what is the most appropriate benchmarks, what is the most appropriate threshold and target for menhaden. Right now if we accept the concerns that we don't need to go with a target at this point, then we'd be sitting at 15 and 20 would be one of the options; 15 threshold and 20 target, with the concept or idea that ultimately that we're going to go to an ecosystem-based management approach.

I don't hold a whole lot of hope for that personally. I don't think there is going to be the information necessary to credibly manage menhaden in an ecosystems context. I think ultimately we're going to have to do it single species. There are some that will disagree, but that's why I believe it's a mistake not to at least consider some additional target reference points in addition to the other, but that's the pleasure of the board.

But to try to answer your question, we are fishing at – our F rate right now on menhaden is 2.28. M is 0.2 and varies based on predator

fields and other things. We're looking at an annual Z of around 2.5, which is a 90-plus percent annual removal rate of the population, and that's a pretty extraordinary removal rate for any species, and that's the concern I think of many around the table that feel like we should be managing this species much more precautionary.

MR. TRAIN: Thank you. I need to follow up just a little bit on this because how long have we been using this benchmark for this fishery that has been healthy for a hundred and some odd years?

CHAIRMAN DANIEL: Well, there is the \$64,000 question; has it been healthy for that period of time? I'm trying to couch this as the global argument that I'm hearing as the board chair. There are those that think we can continue to harvest this species at the level that we're currently harvesting and that everything will be fine.

There are others that say that we are not managing this species appropriately and we need to be much more precautionary. That's the tough spot this board is in is trying to figure can we continue to fish this stock at that high a level and maintain the ecological function that we believe menhaden needs to provide.

I think the question that I don't think anybody knows around the table is how effective is menhaden performing its ecological role. I think that's the \$64,000 question. If we're right, if we've been fishing them at the level that's cool, then they should be providing their ecological function and the harvesters should be fine. If they're not, what is the risk? I think looking at it from an ecosystem context and approach, if we're wrong then it could have domino effects on many of these other species that we're responsible for managing. Steve Meyers.

MR. STEVE MEYERS: Mr. Chairman, in reference to the use of National Standard 1 from the Magnuson Act on Page 14, will the commission be adopting all the national standards in the development of interstate fishery management plans?

CHAIRMAN DANIEL: Was that a rhetorical question?

MR. MEYERS: No, sir.

CHAIRMAN DANIEL: Can you repeat the question?

MR. MEYERS: Yes, sir, in reference to Page 14, the use of Magnuson-Stevens National Standard 1, will

the commission adopt all the national standards of the Magnuson Act in the development of interstate fishery management plans?

CHAIRMAN DANIEL: Not if I have anything to say about it?

MR. MEYERS: Thank you, sir.

CHAIRMAN DANIEL: That was easy. Bill Goldsborough.

MR. WILLIAM GOLDSBOROUGH: Mr. Chairman, it seems like it would be helpful to recount how we got where we are now and what the primary motivating factors were for the draft addendum that we have developed. As I think we all know, a year ago in May we received a report on the new benchmark assessment that had just been completed.

There were two, if I'm not mistaken, primary outcomes from that that drove us to move down this road. First of all, we found that the stock was at the lowest point in the 54-year time series. Second of all, the peer review panel found that it was below 10 percent of maximum spawning potential and below 10 percent of the virgin stock level and that was too low. The peer review panel of independent scientists recommended that we develop new reference points to better protect the stock.

At the same time the picture that was painted by that assessment showed that in 32 of the last 54 years overfishing was occurring. Notwithstanding the fact that 2008 was the only one of the last ten in which that was the case, 32 of the last 54 were, and so that described the historic pattern of overfishing that we had a concern about as well.

If you consider that if we were to follow the peer review panel's advice and adopt more conservative reference points like we're considering in this addendum, if we were to go to 15 percent MSP threshold – F threshold, that would mean that in 52 of the last 54 years we will have been above the threshold and effectively overfishing would have been occurring.

We're at the lowest stock abundance level on record and we have had a historic pattern of overfishing, and we have a panel of independent scientists who recommend developing these new

reference points. In response to that, this board, a year ago in May, voted unanimously to develop ecological reference points, and it was a very detailed motion, if you will recall, asking the technical committee to report back on its progress at the August meeting last year.

When it came to August, it became apparent there was little to report because the technical committee was very busy; and it became apparent that this is a very complex matter developing ecological reference points. You referred to it as ecosystem-based management, Mr. Chairman. It became apparent that was a long-term proposition.

I think the last thing that Dr. Latour told us in his last appearance before us as technical committee chair was that it would actually probably end up being five years at a minimum before we get there. Therefore, at the August meeting we were still concerned about the report we had gotten from the assessment, and we voted unanimously again in that case to develop an interim set of new reference points based on percent MSP while we continue to try and develop an ecosystem-based approach to management in the longer term.

That was in August last year, a year ago, and a unanimous vote. We actually then had on our agenda for the annual meeting in November to look at a draft addendum to that effect. Most of us will recall that a couple of weeks before that there was an error found in the code for the assessment that needed to be corrected. As a result of that, we deferred on that action at that time.

Now, most of us know this, but it's important to note that the assessment had initially found there was not overfishing. The F rate was just a hair below the threshold in 2008, and yet we voted unanimously in May and in August to develop new reference points. Well, when they corrected that error that changed that record such that the 2008, the terminal year, fishing mortality rate was above the threshold, and the official finding became that overfishing is occurring.

So now we have even more motivation and more reason to act than when we voted unanimously on two separate occasions to go down this road, so I think that's important background for the folks around the table that may not have been here last year or may not recall the sequence of events. I think that's also instructive to those who were thinking we might be rushing into this.

I got that sense from the industry letter and I was very perplexed at that given that we adopted Amendment 1 ten years ago and it noted not only the economic but also the ecological importance of menhaden and the goal and objectives of improving this stock toward those objectives, and yet the stock has done nothing but trend downward since then. It was three years ago that this board first actually voted to develop ecological reference points and yet we haven't done it, and then we had the assessment and the recent history.

With the stock at the lowest point on record, I'm interested to hear expressed how important this fishery is for bait as well as reduction, and, of course, we know that and are sensitive to that, as well as the ecological importance. I think we realize around this table and the action we're contemplating now that as stewards of this resource it behooves us to try and turn this stock around. The lowest point in 54 years is not serving either of those values very well. That's the recap. Thank you, Mr. Chairman.

CHAIRMAN DANIEL: Thank you, Bill. Pete Himchak.

MR. HIMCHAK: I had a question or maybe I'm just looking for confirmation. Okay, so the F threshold exceeded; we go to 15 percent MSP, which is 1.32; and the most recent terminal year F that we're going to use to calculate a percent reduction is 2008. I find that a little disconcerting because by the time this thing gets implemented, that terminal year F could be three years old. I know I don't see you that much, Jeff, even though we're in the same building, but that's what you're saying, though?

MR. BRUST: That's correct.

MR. HIMCHAK: The likelihood of having a more current F to calculate the percent reduction which could translate into a quota, we're not likely to have anything other than the 2.28?

MR. BRUST: The most recent assessment is terminal year 2008; so unless the board puts it on the fast track or the ISFMP Board puts it on the fast track for another assessment, yes, you're right.

CHAIRMAN DANIEL: Okay, Jaime.

DR. JAIME GEIGER: Mr. Chairman, I appreciate Bill Goldsborough going through the history of the last three years on how we got here, and I think it has been extremely helpful to review why we are currently doing what we're doing. Mr. Chairman, I recall well the motions and the activities at the last board meeting, and like Jack I was surprised to see the range of options coming out; but rather than being somewhat disturbed, I was extremely pleased and gratified by what the technical committee did do.

I thought it was very, very good that you did provide a range of different options and thresholds for us to consider. I think they were laid out very, very well and very eloquently. I think unlike some of the other suggestions, I think that we would be doing the public a good service by including all these options as we go out to public hearing.

I think it offers the public a more realistic and appropriate and complete vision as well as snapshot of what this fishery is doing and fulfills our stewardship obligations to provide all the best available options to manage this particular fishery. One suggestion I would have is – again, I realize, Mr. Chairman, your concern and a bit of skepticism about going to an ecosystem-based management approach, and certainly I think that's warranted, but on the other hand I do think this document should have some discussion based upon previous discussions of this board about the ecosystem services this fish provides as well as some discussion about our vision at some point in time going to an ecosystem-based form of management.

I think this document should encapsulate and have some component parts of that. I think we will clarify and make things more clear to the general public by at least telegraphing and explaining ultimately where we would like to go even though realistically it may be many years down the road to do that. I congratulate the technical committee on a job well done. Thank you.

CHAIRMAN DANIEL: Thank you. Terry.

MR. TERRY STOCKWELL: Mr. Chairman, a little bit different view than Jaime. I do share Jack's, Doug's and some other comments about the number of options in the draft document that propose really a significant action for the board's intended transition to ecosystem management; something I supported at the last meeting. I think it's the right way to go.

I look forward for your suggestion on how to untangle our discussion today, but I have a couple of

comments specifically. One is my concern about the length of the time that this addendum is going to take to think our way through and the amount of horsepower it is going to rob from the technical committee in our quest to move towards ecosystem management.

I'm concerned that the AP was not consulted in the development of the management measures. It's critically important for them to be involved and asking them after the fact I don't think is the right way to go. The monitoring issues are huge, federal coordination is huge. I would suggest that in whatever form this document goes out that the socio-economic component include the implications to the users of the bait, particularly the lobster fishery that is heavily dependent upon menhaden at this time.

CHAIRMAN DANIEL: Thank you, Terry. A.C.

MR. A.C. CARPENTER: Terry pretty much covered my point, but I will add the blue crab fishery is heavily dependent on the menhaden; and I think that if we're going the socio-economic impacts we need to evaluate that as well.

CHAIRMAN DANIEL: Thank you, A.C. Jack.

MR. TRAVELSTEAD: A couple of additional concerns, Mr. Chairman. One is picking up on Pete's comments just a few minutes ago. We seem to be headed toward a type of reference point that in order to be used properly requires a stock assessment to be done every year. Otherwise, we're locked into a 2008 number, and ultimate implementation of all this could be as far away as 2013. That is worrisome.

I guess unfortunately we didn't give the technical committee enough time to investigate other reference points for our consideration, but I don't know how that will play out. My other concern is with respect to the management measures in the addendum. It's an excellent list that has been put together. There are a lot of different things in there from seasons and limited entry and trip limits and quotas with not a lot of specifics. If it goes out to public hearing in this form, I'm not sure what we'll get out of the public that will be valuable other than I prefer quotas over seasons. I'm also worried that we've not heard from our advisory panel. It seems to me a better approach would be to take this document and to

divide it into two separate documents; an addendum that addresses the reference point issue and then a PID that would ultimately lead to an amendment on the management side of things.

We are, after all, potentially looking at serious restrictions on harvest; and to do that by an addendum, I just don't think that's a good fit. I think with regard to the management measures we should take the time to hear from our advisory panel, weed out what they think is not workable, add in what they think might be better, put that in a PID and send it out at the same time a draft addendum on the reference point issue goes out.

CHAIRMAN DANIEL: I think you've kind of stole my thunder. I think that's kind of where – after talking to some folks and after listening to the discussions around the table, I think before we start looking at specific management options to reduce harvest we need to know what we're shooting for.

It's kind of hard to go out with a status quo and a threshold. There may be other public comments that say the threshold is too high or too low; 12 percent, 18 percent, whatever the number is. I guess I kind of disagree a little bit with some of the commentary about the targets, but that's neither here nor there. I didn't know how to react to the technical committee's request, so I felt like erring on the side of more information was better than not. If that was a mistake, I apologize as the Chair.

The idea of splitting this document up, going out and perhaps getting the comments and taking action on the thresholds and targets, if we decide that we want to go with targets; and then at the same time we go out to the public on the addendum, we could basically scope all of these management measures and management options, because, you're right, there is nothing specific in any of these, and that was kind of our intent all along was to scope that part of it and get the advisory panel involved to try to come up with, okay, if we go with 15/20 or 15/25 or whatever the numbers are, what are we going to need to do in order to reduce the harvest and how are we going to do that?

Obviously, the recreational fishery, that is going to be really hard to put in bag limits and size limits on menhaden when they're used from this big to this big (indicating) and people throw them back and nobody retains them and keeps them and brings them in. They're not going to ever be B-1's or they will all be B-1's and B-2's. I guess that's just from listening

around the table. That's an option that we could pursue.

That would make our job here today a lot easier in that we would be approving for public hearing I think an addendum to deal with reference points and then a PID or a scoping document to address reductions in harvest. That's one option and I would like some board discussion on that. I've got a lot of hands up around the table again. Bill Adler.

MR. WILLIAM A. ADLER: I'll try to make this quick. I'm not opposed to taking this out to public hearing because we have been running around the lawn, but I wanted to reiterate that the AP has got to get involved in this and probably even before the hearings or certainly before the next time we meet.

The other thing is in all your reports of the social and economic things, I think it would be very good to elaborate each one; what is the reduction fishery good for, what is the important part of that; what about the bait; how about the forage. It doesn't have to be scads of things but to show people that, you know, these are different and useful and important reasons that we catch the fish or we leave them. Thank you.

DR. GEIGER: Mr. Chairman, I think Jack put a very viable and reasonable proposal on the table and I certainly support it. I think that would be the best way that we can do. Secondly, I strongly advise us to engage the advisory panel. I think that is a very, very important thing to do. Thank you, Mr. Chairman.

CHAIRMAN DANIEL: The AP will be brought in. Dave Simpson.

MR. DAVID SIMPSON: I like the idea of separating the issues, the reference points and then how to get there in separate actions. What I'm hearing is a more thoughtful and a more deliberate process, and that raises a question in my mind of the difference procedurally between an addendum and an amendment and what steps are added in terms of public input and process to distinguish an amendment from an addendum. My view is there isn't a much more major decision to make than reference points; and if that's not an amendment, I don't know what is. I'm looking for the distinction here.

CHAIRMAN DANIEL: We'll look to staff to answer that question.

MR. ROBERT E. BEAL: David, I was having a sidebar for some of your comments. Are you asking the difference between an addendum and amendment? Are you suggesting possibly including the reference points in an amendment as well? I think Louis' suggestion was have an addendum with the reference point issue and also concurrently initiate an amendment to deal with the management measures to achieve the reference point that is adopted through the addendum.

MR. SIMPSON: I guess what I was asking is what is the difference in the commission process because my view is the reference points are the big action. If it's the difference of one more public hearing has to be held, then it's a small distinction.

MR. BEAL: There are a couple of layers to the answer, I suppose, David. One question is what can the board do through an addendum versus an amendment. Amendment 1 describes that the board can adjust reference points through an addendum and also has a suite of management measures, seasons, catch controls and a number of other things, setting quotas and ABCs I think it references.

Amendment 1 does allow all those events to occur through an addendum should the board choose to go that route. The board obviously can use a more lengthy amendment approach if they choose to do that and have additional public comment opportunities and have a more drawn-out public process if that's the selection of – I mean, that's the choice of the board to do that, so that is sort of layer one.

Layer 2 is the difference between an amendment and an addendum is an amendment is a two-step process essentially. We have a scoping or a public information document drafted around the public hearings. The board gets together and decides direction to the plan development team to craft a draft addendum with specific measures and then another round of public comment and then a final decision by the board. That's an amendment.

An addendum is just the board makes a decision, gives direction to the plan development team, they draft a document, one round of public comments, public hearings and then a final decision. There are some timing issues. An addendum only is a 30-day public comment period and hearings are not required. For an addendum we don't require hearings. For an

amendment there are four public hearings required for a PID and for the draft amendment. There are some timing issues with 30-day public notices and those sorts of things. Those are generally the steps.

CHAIRMAN DANIEL: And I'm kind of operating on the sense from the board at least from the last meeting that you wanted to move forward relatively quickly to get this interim 15 percent in place. Really, what we need to do is kind of – I mean, I've got ten more folks that are scheduled to speak.

We can go through that or we can start – I don't know what else we're going to get other than I'm general consensus around the board to split this question, move forward with an addendum for reference points and a PID for management options. If we could maybe agree to that and if there is anybody that objects to that, I would like to hear from them. A.C.

MR. CARPENTER: I guess my objection to that is if you carry just the reference points out to the public, the majority of the public is not going to understand the implication of the 15 or the 40. I think unless you can craft language and examples that the public can understand the difference between the two – and landings I guess is one of the things that they could look at – but decoupling the two doesn't give one of our pound netters – this doesn't mean anything to him. What he wants to know is, is he going to have a season or is he going to have a quota or is he going to have to let small fish go. That is what makes a difference to him. Asking him to evaluate 25 or 40, they're abstract numbers and I have a problem with that direction.

CHAIRMAN DANIEL: I would agree with you if we weren't – and this may not help you, but our concept is to run them concurrently so that when we hold a hearing or a meeting or whatever we call it, you're going to talk about the changes to the reference points that we're going to act on in November, and then at the same time you're going to have a presentation on what those impacts would be through the PID to scope so that the pound netter or the recreational fisherman or the bait fisherman or anybody would know, all right, if we select 15 percent then this is going to be the resultant reduction in harvest that is going to be necessary in order to end overfishing at this new level. And then if we select a target, whatever that target is we're

going to have to reduce by this amount and this is going to have this effect on you.

MR. CARPENTER: That helps me immensely.

CHAIRMAN DANIEL: I'm going to go through the list, so, Terry.

MR. STOCKWELL: I'm good with where you're going.

MR. PATRICK AUGUSTINE: Mr. Chairman, I won't pontificate on it. As Mr. Travelstead pointed out, I did move that motion previously. It was rejected. On the other hand, I was happy to see it included the way it was developed. It just seems to me that we've come this far along the way, Mr. Goldsborough pointed out where we are, where we've been and what we've got to do, and this is an issue if the board steps up to the plate and does what we're supposed to do.

If there are items within this document, as it has been developed by the technical committee and the PDT – and, by the way, congratulations, you did an outstanding job with what you have do deal with – I think we separate it in parts. To take a step in another direction where we are going to try to separate, I think we're going to lose the total package, the view that we want the public to see that we're taking action on something that we need to take action on.

It just seems to me that if we're able to go forward with all the information that was given to us now, we will do what we're supposed to do. We will make a decision as board members that we should. We can skirt around the issues. We've have done it for how many years now and menhaden is another one of the species that we're afraid to make a hard decision on.

Some of us are going to go home and get beat up, and so be it, but when you're ready I would like to make a motion that we move this forward and get it out to the public without any further changes or separation, Mr. Chairman. Thank you.

MR. GROUT: Mr. Chairman, the way that you and Jack are proposing is one way of getting at it. My personal concern about it is that I believe there is a quicker way to get to final action and still accomplish pretty much the same thing. Clearly, if we took your action I would agree that we should send out a full range of targets and everything because I think that's going to take so long I think we should pretty much

put ecosystem reference points on the back burner, and we should go with the percent MSP.

What I would like to propose is a system where we say, okay, we're still looking – our long-term goal, meaning three or four years down the line, is ecosystem-based reference points; that in the interim we set the 15 percent MSP as our threshold and that we're going to manage towards that target if we're overfished, which we will.

I think within this document, if we were to take out the other options for targets and then bring forward this suite of management measures, we could use this document as sort of the scoping document for the management measures. If you look at the header in Section 2.3.2 on Page 14, it clearly says once the management tools are identified, the plan development team will thoroughly describe how the management tools will be implemented for the menhaden fishery in a subsequent addendum.

The way I saw this document from the management measure standpoint is here is a suite that the PDT came up with. Let's go to our advisors and go to the public and say which ones of these are reasonable and can be used, and then we'll make a decision to pare that down to what is usable to try and get to our percentage reductions on this.

Number one, this document would set the threshold and keep the target; and then we'd get input on the various management measures and would choose which would be the measures that would be included in the subsequent addendum. At that point you've established what the percentage reduction is going to be. The next addendum, the PDT and the technical committee can come up and say, okay, you're going to need this season, we're going to need – this is what you're going to need for quota management, but you were doing it in an addendum process, a two-step addendum process, as opposed to establishing it in this addendum and going through a full amendment process to develop the management measures.

What I would like to propose as a motion at this point would be to adopt this addendum for public comment with one change to it, and that is that we would remove Options 3 through 5 from Section 2.3.1.

CHAIRMAN DANIEL: You've got a second, so I have a motion from Doug Grout and seconded by Mr. McElroy to move to adopt Draft Addendum V for public comment with the one change to remove Options 3 through 5 from Section 2.3.1.

MR. GROUT: And clearly, as I stated, we wanted this to go out to the AP.

CHAIRMAN DANIEL: Correct. Jaime.

DR. GEIGER: Mr. Chairman, we have a second and I have a question for Doug. I just wanted to clarify you are including all the threshold target options as part of your motion?

MR. GROUT: No, the point here is to remove Options 3 through 5, which means what we have is that we have a threshold as an option and then we're leaving the current target in place. We're removing the other three options, because what I'm trying to do is focus this on getting some management action in place quicker than I believe the other process would go. Again, remember this is an interim reference point until we get to – the ultimate target is to go to ecosystem-based reference points, which is what our motion was at the last board meeting and what we have adopted unanimously in the past.

DR. GEIGER: Thank, Mr. Chairman, and with that explanation I find it hard to support this particular motion.

MS. FEGLEY: Mr. Chairman, my comment now is different than it was five minutes ago. I have a question. With the current target, which is about F 20 percent and maybe a little bit below that, can we – and this is a technical question – can we distinguish given the variability around our F estimates with the target and the F 15 percent being so close? In other words, if we adopt F 15 percent and keep the current target, can we actually functionally distinguish between the two in any given year?

MR. BRUST: Yes, we looked at that on our last conference call and they are distinguishable.

MR. GOLDSBOROUGH: Mr. Chairman, since we've put a motion on the floor since we all had our hands up, I guess I've got a mixture of comments to make. Let me dispense with the ones I was going to make before and then speak to the motion, if that's okay. We've had several comments about the socio-economic section in the draft.

I like what Bill Adler had to say about being a little more expansive in how we treat those various values there. One thing in particular I noted when I read it was that it only speaks to negative impacts from cut-backs. It doesn't seem to recognize that the whole purpose here is to turn this stock around from the lowest point on record and increase the abundance.

My suggestion would simply be that there be some amendment to that section to also speak to the benefits of increasing abundance for all those reasons that Bill aligned. Secondly, with respect to the concept of going to an amendment versus an addendum for the management measures, the way Jack suggested in steeling your thunder, Mr. Chairman, I just want to address that with a question.

It seems to me that the management measures that were suggested in broad form in the draft addendum before us were taken from the toolbox in Amendment 1, and that was intentional if I'm not mistaken because we took a long time to work through them originally for this fishery. That being the case, I don't think we need an amendment. I think we can do this with an addendum, and I think that's what the PDT's thought was. I just toss that out there.

Now with respect to the motion, I think Doug and I agree on that last point. It seemed to me he was saying we could do this in a second addendum as opposed to an amendment. We disagree with respect to removing Options 3 through 5. I have to comment on a couple of things. First of all, in the March meeting there has been reference made to Pat's motion about a range of options.

Pat's motion was about expanding the range of options for the threshold beyond the 15 percent MSP that we were considering. That is the part that was voted down. We didn't vote down doing that for targets. If I'm not mistaken, having listened in on the various PDT deliberations and meeting, the thinking there was – if I'm not mistaken, I don't think we've ever adopted reference points without adopting pairs of thresholds and targets because they go together like peanut butter and jelly.

You have to have a target that's distinguishable from the threshold. That's the whole point. For every fishery there are different criteria from which you determine that. I think the

assumption was that certainly we've got to toss out some possibilities for targets to go with this new threshold and that that was consistent with our standard practice of giving the PDT latitude to put before the board what they think the board is going to need to work with in a draft addendum, and the board in this process here can accept, reject, whatever.

I think the point of having a range of targets in the addendum is perfectly appropriate and in fact a range is notwithstanding what we might think – and we understand the projections are variable – what we might think the impacts might be. I think that's getting the cart before horse, frankly. I think what we're hearing is the range is, if anything, modest.

The highest number in there we've already heard is consistent with advice from Magnuson. What hasn't been mentioned as well is that the Marine Stewardship Council had convened over the last two years an independent panel of scientists to look at sustainability of fisheries on forage fish, and they have concluded that whole process by adopting a new set of standards for certifying forage fisheries as sustainable, and 40 percent is the low end of the range.

They recommend up to 75 percent of virgin stock be conserved for forage fisheries and still serve the needs of take fisheries. With that, Mr. Chairman, I'd have to vote against this motion and I feel very strongly that we need to give the public the opportunity to review and comment on possible options for a new target to go with our new threshold as is consistent with our practice. Thank you.

CHAIRMAN DANIEL: Thank you. I'm going to ask Toni first to address the question of amendments and addenda real quick before we move forward. What I'm going to do is now I'm going to move – I've had three in a row that have been opposed to the motion so I'm going to go those in favor for a little while. We're going to change up a little bit. Otherwise, we're going to be here until tomorrow.

MS. KERNS: If the board moves forward with a concurrent addendum and a concurrent PID, which this document is set up to turn into a PID almost immediately, the timeframe for implementation would not change whether we did two addenda or we did an addendum and an amendment concurrently for implementation of measures. You would implement measures at the same time, so your speed is not any faster going through the addendum process or the amendment process due to constraints that states have for implementing management measures.

CHAIRMAN DANIEL: I don't know that my idea about the amendment is the same as Jack's. My thought process in terms of the amendment was that if you're going to go forward with something that could have as significant an impact to a constituent group, it just seems like to me as the board chairman that an amendment may be the more appropriate way to go.

If that's not the sense of the board, that's fine, but just from my perspective if you're going to do something that could result in a 30 percent reduction in harvest, that seems to me to kick in a little additional comment that's necessary. That was the only reason I mentioned an amendment. What I'd like to do is see a show of hands of those in favor of the motion – to speak in favor. Jack.

MR. TRAVELSTEAD: Well, I'm partly in favor. The first thing I want to note, though, when it was your idea it was brilliant and when it was my idea it was not so much so we're going to have a little talk after this. (Laughter) Okay, I obviously like the idea of removing Options 3 through 5. That was a surprise to me and I don't think they belong in there and they should come out, so in that sense I'm supportive of the motion.

I still would prefer the approach of going with a full amendment process and a concurrent PID so that these management measures can be fleshed out quite a bit more and the public can get their teeth around them. Again, I think we need – even if this passes and it goes out for public comment in its entirety as an addendum, I think we owe it to the advisory panel to have a say on these measures and help us flesh them out. I think the best way to do that is through a PID and not a dual addendum process.

CHAIRMAN DANIEL: Thank you, Jack. Anyone else that wants to speak in favor of the motion?

MR. THOMAS FOTE: Mr. Chairman, you're chairing a meeting and if you're going to do that, you're supposed to allow – if I remember what we discussed in the workshop – is basically go back and forth to people that have not spoken before, and there are some of us that have not made a comment before that's going on here. We have ways of chairing a meeting and directing a meeting; and when you're making assumptions for a lot of us sitting at the table, I

don't feel comfortable doing that. You can call me when you get a chance but I just wanted to do a point of order here.

CHAIRMAN DANIEL: I won't argue with you; go ahead.

MR. FOTE: Mr. Chairman, we sat in the Tautog meeting where we did a 53 percent reduction on an addendum. We sat in the striped bass that was not being overfished, that overfishing was not taking place and we were proposing a 40 percent reduction. We have done this in many species before. We have danced around menhaden for five years. We have not basically moved an inch.

We put in a target off the Chesapeake Bay that was higher than they harvested in a number of years and it was an imaginary target that nobody of us guessed that it would be reached. We need to do this in concurrence. We put out a public information document. I noticed that after the striped bass – we waited until the striped bass document was put out; and then when it was finished, then we called the advisors for a meeting to comment before we were going to vote on that addendum. That's the process we usually go through.

You might feel it should be run differently, but that's the process we go on addendums here. I didn't notice that the striped bass had not been called before we put that addendum together. I can't support this motion on the fact that we spent a lot of time talking about this for the last three years. If we're going to go out to the public with a document, we should at least let them comment on a range of options that are there.

I agree with the comment that was made that you separated out the documents; you're going to confuse the public – A.C.'s comments. They need to look at what the consequences of those – the people that will be affected from the both the bait, the reduction and the individuals. We shouldn't split this up. We should make it one holistic document.

**I'm ready to amend the motion to remove – leave everything there but remove the removal of Options 3 through 5 and take that out of the move to adopt Addendum V for public comment, period.**

MR. AUGUSTINE: And I'll second the motion.

CHAIRMAN DANIEL: So take the whole thing out, as written is your motion?

MR. FOTE: **It says “move to substitute adopt Addendum V for public comment”.**

CHAIRMAN DANIEL: Right and that's seconded by Pat.

MR. AUGUSTINE: Mr. Chairman, along with the direction that Mr. Travelstead was going – maybe change it from an addendum to an amendment. Let's make it a full document. Toni said it will take about the same amount of time. Toni, is that possible; and if so, Mr. Chairman, that's the way I'd like to go and I would change it from an addendum to an amendment.

MS. KERNS: Well, Pat, when we were discussing splitting the document, we were discussing to leave the reference points in an addendum. If we leave the reference points in an addendum, then they could be implemented in July of 2012. When we leave the management tools either in an addendum or in the amendment, implementation would not occur until July of 2013 at the earliest due to the constraints of some of the states in implementing management measures regardless of an amendment or an addendum. If you put all of the options into an amendment, then you would not be implementing change in reference points if one occurred until July of 2013, so then you would lengthen that time period.

MR. AUGUSTINE: I don't want that; stay with the addendum. Thank you.

MR. R. WHITE: Mr. Chairman, I'm still not clear on how much time it's going to take for these different options. At first I was in favor of Doug's motion because it seemed that we were going to get there quicker and then that is an interim measure until we go ecosystem-based, but now I'm hearing that we can do the full addendum, have all the options in there and have it in place in the same amount of time. I don't understand that because an amendment usually takes at least a year, so how can we do an amendment in less than year because we can do an addendum in substantially less time?

MR. BEAL: I think there are actually three options being talked about around the table. One option – I'll call it Doug Grout's option, which is one single addendum that does new reference points and interim management measures. We have public hearings soon and we're in a spot to

take final action at the annual meeting; is that what you're saying, Doug?

MR. GROUT: No, sir, Bob, because it clearly says in this document that to implement the final management actions that are actually going to take the cuts – it says right here on Page 14, 2.3.2, it's going to take a subsequent addendum. My option is we put this forward, get reference points in place, we get input from the public and the advisors on the suite here and then we make a decision based on input from the public and advisors on which management measures are going to be addressed in the subsequent addendum.

CHAIRMAN DANIEL: With fear and trepidation let me clarify where I think we are with this motion. If we approve this, we'll go out to public comment between now and November. We'll come back in November with commentary from the public on the targets and thresholds. We'll come back in November; we'll have the public's comments on the thresholds and the targets, and then we'll have their commentary on what type of management measures they would like for us to consider moving forward.

At the November meeting we'll leave, we'll have a new threshold, a new target, and then we'll have what the public thinks is a good idea to move forward with. Then we'll go and we'll take that list and we'll work with our advisory panel and probably our plan development team to develop another addendum that would then describe the mechanisms that we want to use to achieve the reductions necessary to meet our new thresholds and targets.

It would be the February meeting where we would then approve that addendum for public comment and then at the May meeting you would approve that addendum that would tell us what we would do in order to achieve the new threshold and target; is that fair?

MS. KERNS: And due to the constraints of some of the states' ability to implement tools, those measures that were adopted would not be able to be implemented until July of 2013, so therefore your implementation date, which is what is most important to the board, would not change regardless of an amendment or an addendum.

CHAIRMAN DANIEL: So that's where we are with the motion on the floor. Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: And again a reminder there would be nothing in the plan

or in ASMFC procedures that would prevent any of the states that wanted to implement sooner than the required date.

CHAIRMAN DANIEL: Absolutely. All right, back down the list; David Pierce.

DR. PIERCE: Okay, I was going to make a motion that did what you just said, so thank you, Mr. Chairman, and doing what you said is what the motion says clarified by Doug. We'll have another addendum that would follow close on the heels of Addendum V, Addendum VI, so we accomplish what we need to do. I support this motion because it does include the other alternatives, 3, 4 and 5, regarding alternative reference points.

MR. STOCKWELL: Mr. Chairman, I don't support this motion to substitute because I feel that the second action is weighty enough that it needs a PID that is embodied into an amendment. It's a very big deal for all industries and the additional public comment that the amendment would allow for I think is necessary.

MR. HIMCHAK: Just one quick question or comment, rather. So maybe by 2013 we'll have a more current F to calculate a reduction and that might be a positive outcome of this. The other thing I just wanted to mention on the record as we're making a policy decision, the social and economic analysis is going to be extremely important for implementation of any of these recreational or commercial measures that may be required.

We're making a policy or a value decision now to go to a more restrictive F based on that 15 percent MSP with no real guarantee of increasing recruitment despite National Standard 1 notwithstanding, so then whatever reduction we're going to get stuck with we're going to have to start making some serious value-based decisions on ocean reduction in Chesapeake Bay, bait fishery, for what fisheries – what state is going to take the reductions. It's going to get really complicated, the second part.

CHAIRMAN DANIEL: I think you're right. Toni, clarification.

MS. KERNS: Just to clarify on the amount of public comment that would be received; provided that states have public hearings for both addenda, you would have the same amount of

public comment having two addenda as you would having an amendment – correction public comment opportunities not amount.

DR. GEIGER: Mr. Chairman, several board members commented about adding some various small paragraphs to the addendum to flesh out some of the concepts and the activities, and I would just ask the technical committee is that still realistic and can that be accomplished within the contents of this motion?

MS. KERNS: Provided that we can get the social and economic data to go along with the request, we can add it to the document. There is very limited social and economic data for some of this information so it may be difficult to achieve some of the requests made by the board.

CHAIRMAN DANIEL: Last word from the board from A.C.

MR. CARPENTER: I just want to procedurally understand the motion that is before us. If this motion fails, then we will be back to what is the motion above that on the board so that we can then act on that motion?

CHAIRMAN DANIEL: Correct. All right, you can start caucusing while I ask the public –

MR. FOTE: Can you go to the public?

CHAIRMAN DANIEL: That's what I was fixing to do, if that's okay. I was going to go to the public now and see if anyone wanted to comment on the motion on the table, if I could see a show of hands of those folks who would like to comment. Okay, one, and then we're done.

MR. BENSON: Jerry Benson; I represent the Menhaden Coalition. Mr. Chairman, I had some prepared remarks but I don't think they will be necessary. I would like to thank you on behalf of all the people back here and a lot of the people who are not here for the service that you provide at a great disadvantage and inconvenience to you I'm sure sometimes. I'll just say thank you for the service you do and I trust that we'll see a yes vote on this Addendum V, which has been a long time in coming. Thank you.

CHAIRMAN DANIEL: Thank you. That was the only hand I saw in the audience – I'm sorry, I did have one other person; Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I've been watching this stuff for seven years and in seven years you've gotten absolutely nowhere. This is the first time you've even begun to approach the problem. I do want to comment on one thing that came with your plan development team, and that had to do with the economic and social issues.

That is something that you people have ignored for a long time. You're not going to be able to ignore it if you do anything positive about reducing the harvest. I would urge you to do whatever you have to do to get good information because you didn't get it in the plan development document. Thank you.

CHAIRMAN DANIEL: Yes, sir, thank you. All right, ready to caucus?

(Whereupon, a caucus was held.)

CHAIRMAN DANIEL: All right, ready? Lynn.

MS. FEGLEY: Could I request a roll call vote, Mr. Chairman/

CHAIRMAN DANIEL: You certainly may. Toni.

MS. KERNS: Maine.

MAINE: No.

MS. KERNS: New Hampshire.

NEW HAMPSHIRE: Yes.

MS. KERNS: Commonwealth of Massachusetts.

MASSACHUSETTS: Yes.

MS. KERNS: Rhode Island.

RHODE ISLAND: No.

MS. KERNS: Connecticut.

CONNECTICUT: Yes.

MS. KERNS: New York.

NEW YORK: Yes.

MS. KERNS: New Jersey.

NEW JERSEY: Yes.

MS. KERNS: Delaware.

DELAWARE: Yes.

MS. KERNS: Maryland.

MARYLAND: Yes.

MS. KERNS: Potomac River Fisheries Commission.

POTOMAC RIVER FISHERIES COMMISSION:  
Abstain.

MS. KERNS: Commonwealth of Virginia.

VIRGINIA: No.

MS. KERNS: North Carolina.

NORTH CAROLINA: Yes.

MS. KERNS: South Carolina.

SOUTH CAROLINA: Yes..

MS. KERNS: Georgia.

GEORGIA: Yes.

MS. KERNS: Florida.

FLORIDA: Yes.

MS. KERNS: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: Yes.

MS. KERNS: U.S. Fish and Wildlife Service.

U.S. FISH AND WILDLIFE SERVICE: Yes.

CHAIRMAN DANIEL: **The motion passes; 13 in favor, 3 opposed and 1 abstention.** Thank you for that. **Okay, the main motion is now move to adopt Draft Addendum V for public comment.** Do you need to caucus again? Do you want a roll call to vote again? All those in favor raise your right hand, 15 in favor; opposed same sign, 1; abstentions, 1; null votes, none. **The motion carries.** Toni.

MS. KERNS: May I have a show of hands of states that would like to have a public hearing: Maine, Maryland, PRFC, Virginia, North Carolina, New

Jersey, New York, Connecticut, Massachusetts, Rhode Island and Delaware and New Hampshire.

MR. R. WHITE: Mr. Chairman, do we need a motion to start the second addendum to run concurrently with the one we just passed, sequentially?

CHAIRMAN DANIEL: I think we can do it six of one and a half dozen of the other. I think we can say we're going to initiate an addendum after the November meeting or we can do that at the November meeting. I'd prefer to wait and do it at the November meeting if that's okay, but it's up to you. All right, the next item of business is the FMP Review. Toni.

MS. KERNS: Just to let the board know that the plan review team has not forgotten about your request for an update on recruitment; we are still collecting that information from the states and will hopefully provide that to the annual meeting. Mike Waine is going to give the FMP Review.

## FMP REVIEW AND STATE COMPLIANCE REPORT

MR. MICHAEL WAINE: This is the 2011 Atlantic Menhaden Plan Review Team Report of the 2010 fishery. In 2010 the total coast-wide harvest was 227,000 metric tons, which is up 25 percent from 2009. The reduction fishery accounted for roughly 183 metric tons, which is approximately 81 percent of total harvest.

The reduction harvest is up 27 percent from 2009 and 20 percent from the previous five-year average. The preliminary estimate of the coast-wide bait harvest for 2010 is roughly 44 metric tons. This is up 30 percent from 2009 and up 12 percent from the previous five-year average. This figure shows the time series of bait landings.

The largest increase in 2010 was seen in the Mid-Atlantic, as shown in orange. All of the region landings declined. 2010 had the second highest bait landings in the time series and was 2.91 metric tons shy of 2008, which was the year that had the highest landings in the time series. Transitioning back to the reduction fishery, Addendum III established a harvest cap for the reduction fishery in the Chesapeake Bay.

An underage in the reduction harvest in 2009 led to the 2010 cap increase allowed under

Addendum III to the maximum of roughly 123, 000 metric tons. Approximate reported harvest in 2010 was 85,000 metric tons. Therefore, once again the harvest cap for 2011 is increased to the maximum of approximately 123,000 metric tons.

Moving on to state compliance, all states were in compliance with Amendment 1 reporting requirements for purse and bait seines. That is in Table 1 on Page 6. South Carolina, Georgia and Florida requested de minimis status. The PRT recommends granting South Carolina, Georgia and Florida de minimis status for 2011.

The PRT recommendations are for states to report juvenile abundance indices in their compliance reports, and that New York investigate the source of gill net landings because of differences between the landings reported by ACCSP and the National Marine Fisheries Service. As Toni mentioned, all bait landings are to be reported to the technical committee even though compliance is only related to purse seines.

Finally, New York – the PRT wants a summary table of landings by major gear type for each year. Minor gear types can be grouped into one column. And Maine to include a summary table of landings by year by gear type for the past ten years. That concludes our report.

CHAIRMAN DANIEL: Questions for Mike? Mr. Adler.

MR. ADLER: Is it appropriate for me to make a motion to accept that report?

CHAIRMAN DANIEL: That would be fine; to approve the report.

MR. ADLER: So moved.

CHAIRMAN DANIEL: Second by Pat Augustine. Any discussion on the motion? Bill Cole.

MR. COLE: Can we have a friendly amendment and go ahead and approve the de minimis requests from South Carolina, Georgia and Florida?

CHAIRMAN DANIEL: As long as the maker and seconder don't object, which they do not, so thank you, Bill. **We've got a motion now to move to accept the FMP Review and approve de minimis status for the states requesting de minimis status, South Carolina, Georgia and Florida. Any discussion on that motion? If not, is there any**

**objection to that motion? Seeing none, the motion carries unanimously.** One more item here, folks.

### **POPULATE PLAN REVIEW TEAM MEMBERSHIP**

MS. KERNS: Dr. Doug Vaughan has retired from the Beaufort Fisheries Lab. We were very sorry to see him go. He was a member of the plan review team. Our current members are myself, Trish Murphy, Ellen Cosby, and Steve Meyers. We need to consider a replacement for Dr. Vaughan on the PRT. The Beaufort Lab had discussions and made a recommendation to me to have Dr. Amy Schuler replace Doug Vaughan on the PRT.

MR. MEYERS: Mr. Chairman, do you need a motion?

CHAIRMAN DANIEL: I do.

MR. MEYERS: I so move.

CHAIRMAN DANIEL: **Motion by Mr. Meyers, seconded by Dr. Geiger. Discussion on that motion? Any objection to the motion to add Dr. Amy Schuler to the plan review team? Without objection, the motion carries.**

### **ADJOURNMENT**

CHAIRMAN DANIEL: Is there any other business to come before the Menhaden Board? All right, thank you all.

(Whereupon, the meeting was adjourned at 6:25 o'clock p.m., August 2, 2011.)

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