

Atlantic States Marine Fisheries Commission

Atlantic Menhaden Management Board

January 27, 2022
8:30 a.m. – 12:00 p.m.
Webinar

Draft Agenda

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

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|--|------------|
| 1. Welcome/Call to Order (<i>M. Bell</i>) | 8:30 a.m. |
| 2. Board Consent | 8:30 a.m. |
| • Approval of Agenda | |
| • Approval of Proceedings from October 2021 | |
| 3. Public Comment | 8:35 a.m. |
| 4. Update on 2020-2021 Atlantic Menhaden Mortality Events (<i>J. Brust</i>) | 8:45 a.m. |
| 5. Consider Draft Addendum I to Amendment 3 for Public Comment Action
(<i>K. Rootes-Murdy</i>) | 9:00 a.m. |
| • Advisory Panel Report (<i>M. Lapp</i>) | |
| 6. Review and Populate Advisory Panel Membership (<i>T. Berger</i>) Action | 11:50 a.m. |
| 7. Elect Vice-Chair (<i>M. Bell</i>) Action | 11:55 a.m. |
| 8. Other Business/Adjourn | 12:00 p.m. |

MEETING OVERVIEW

Atlantic Menhaden Management Board
Thursday, January 27, 2022
8:30 a.m. – 12:00 p.m.
Webinar

Chair: Mel Bell (SC) Assumed Chairmanship: 10/21	Technical Committee Chair: Josh Newhard (USFWS)	Law Enforcement Committee Representative: Robert Kersey (MD)
Vice Chair: Vacant	Advisory Panel Chair: Meghan Lapp (RI)	Previous Board Meeting: October 19, 2021
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS (18 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from October 19, 2021

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time should use the webinar raise your hand function and the Board Chair will let you know when to speak. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance, the Board Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Update on 2020-2021 Atlantic Menhaden Mortality Events (8:45-9:00 a.m.)

Background

- In August the Board received public comment on a number of menhaden mortality events that have occurred in multiple states this year. The Board requested staff work with U.S. Fish and Wildlife Service to provide a summary of these events at the Annual Meeting.

Presentations

- 2020-2021 Atlantic Menhaden Mortality Events by J. Brust

5. Consider Draft Addendum I to Amendment 3 for Public Comment (9:00-11:50 a.m.)

Action

Background

- In August, the Board initiated a draft addendum to consider changes to commercial allocations, the episodic event set aside (EESA) program, and the incidental catch and small-scale fisheries provision based on the Board work group report
- The PDT met multiple times from October to January 2022 to develop Draft Addendum I and recommendations for the Board's consideration.

- The Advisory Panel will meet in January to review the Addendum and provide input on options that should be considered in the document but have not been listed or developed.

Presentations

- Overview of Draft Addendum I to Amendment 3 by K. Rootes-Murdy (**Briefing Materials**)
- Advisory Panel Report by M. Lapp (**Supplemental Materials**)

Board Actions for Consideration

- Approve Draft Addendum I to Amendment 3 for public comment

6. Review and Populate Advisory Panel Membership (11:50 - 11:55 a.m.) Action

Background

- There are two new nomination to the Atlantic Menhaden Advisory Panel- Michael Dawson and James Wotton, both commercial fishermen from Maine (**Briefing Materials**)

Presentations

- Nominations by T. Berger

Board Actions for Consideration

- Approve Atlantic Menhaden Advisory Panel nominations

7. Elect Vice-Chair Action

8. Other Business/Adjourn

Atlantic Menhaden

Activity level: High

Committee Overlap Score: High (SAS, ERP WG overlaps with American eel, striped bass, northern shrimp, Atlantic herring, horseshoe crab, weakfish)

Committee Task List

- TC, SAS, ERP WG – various taskings relating to management response to the 2019 benchmark stock assessments
- TC,SAS, ERP WG- begin work to complete 2022 stock assessment update
- TC – April 1st: Annual compliance reports due

TC Members: Josh Newhard (USFWS, Chair), Corrin Flora (NC), Joey Ballenger (SC), Jason McNamee (RI), Eddie Leonard (GA), Jeff Brust (NJ), Matt Cieri (ME), Ellen Cosby (PRFC), Micah Dean (MA), Kurt Gottschall (CT), Caitlin Craig (NY, Vice-Chair), Shanna Madsen (VMRC), Chris Swanson (FL), Ray Mroch (NMFS), Amy Schueller (NMFS), Alexei Sharov (MD), Jeff Tinsman (DE), Kristen Anstead (ASMFC), Kirby Rootes-Murdy (ASMFC)

SAS Members: Amy Schueller (NMFS, SAS Chair), Matt Cieri (ME), Micah Dean (MA), Robert Latour (VIMS), Chris Swanson (FL), Ray Mroch (NMFS), Jason McNamee (RI), Alexei Sharov (MD), Jeff Brust (NJ) Kristen Anstead (ASMFC), Kirby Rootes-Murdy (ASMFC), Joey Ballenger (SC)

ERP WG Members: Jason Boucher (NOAA), Matt Cieri (ME,ERP Chair), Michael Celestino (NJ), David Chagaris (FL), Micah Dean (MA), Rob Latour (VIMS), Jason McNamee (RI), Amy Schueller (NFMS), Alexei Sharov (MD), Howard Townsend (NFMS), Jim Uphoff (MD), Kristen Anstead (ASMFC), Katie Drew (ASMFC), Sara Murray (ASMFC)

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

**Webinar
October 19, 2021**

These minutes are draft and subject to approval by the Atlantic Menhaden Management Board.
The Board will review the minutes during its next meeting.

TABLE OF CONTENTS

Call to Order, Chair Spud Woodward 1

Modifications to and Approval of Agenda 1

Approval of Proceedings from August 2021..... 1

Public Comment 2

Provide Guidance to the Technical Committee and Ecological Reference Points Work Group on
the Priorities for Completing the Next Benchmark Stock Assessment 4

Progress Update on Development of Draft Addendum I to Amendment 3..... 16

Adjournment 54

INDEX OF MOTIONS

1. **Motion to approve agenda** by Consent (Page 1).
2. **Motion to approve proceedings of August 4, 2021** by Consent (Page 1).
3. **Motion to adjourn** by consent (Page 54).

ATTENDANCE

Board Members

Megan Ware, ME, proxy for Pat Keliher (AA)	G. Warren Elliott, PA (LA)
Sen. David Miramant, ME (LA)	John Clark, DE (AA)
Cheri Patterson, NH (AA)	Roy Miller, DE (GA)
Ritchie White, NH (GA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Lynn Fegley, MD, proxy for B. Anderson (AA)
Nichola Meserve, MA, proxy for Dan McKiernan (AA)	Russell Dize, MD (GA)
Raymond Kane, MA (GA)	Allison Colden, MD, proxy for Del. Stein (LA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Steve Bowman, VA (AA)
Conor McManus, RI, proxy for Jason McNamee (AA)	Shanna Madsen, VA, proxy for B. Plumlee (GA)
David Borden, RI (GA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Justin Davis, CT (AA)	Jerry Mannen, NC (GA)
Rob LaFrance, CT, proxy for B. Hyatt (GA)	Mel Bell, SC, proxy for P. Maier (AA)
John Maniscalco, NY, proxy for J. Gilmore (AA)	Malcolm Rhodes, SC (GA)
Emerson Hasbrouck, NY (GA)	Sen. Ronnie Cromer, SC (LA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Doug Haymans, GA (AA)
Joe Cimino, NJ (AA)	Spud Woodward, GA (GA)
Tom Fote, NJ (GA)	Erika Burgess, FL, proxy for J. McCawley (AA)
Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)	Marty Gary, PRFC
Kris Kuhn, PA, proxy for T. Schaeffer (AA)	Max Appelman, NMFS
Loren Lustig, PA (GA)	Mike Millard, USFWS

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

Ex-Officio Members

Joshua Newhard, Technical Committee Chair	Matt Cieri, ERP Work Group Chair
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Staff

Bob Beal	Pat Campfield	Kirby Rootes-Murdy
Toni Kerns	Emilie Franke	Sarah Murray
Laura Leach	Lisa Havel	Caitlin Starks
Lisa Carty	Chris Jacobs	Deke Tompkins
Maya Drzewicki	Jeff Kipp	
Tina Berger	Savannah Lewis	

Guests

Karen Abrams, NOAA	Andrew Cathey, NC DENR	Taylor Deihl, Omega Protein
Bob Andersen	Mike Celestino, NJ DEP	Montgomery Deihl
Steve Atkinson	Matt Cieri, ME DMR	Greg DiDomenico
Pat Augustine, Coram, NY	Heather Corbett, NJ DEP	John Duane
Jerald Ault, Miami Univ	Nicole Lengyel Costa, RI DEM	Bill Dunn
Alan Bianchi, NC DENR	Jessica Daher, NJ DEP	James Fletcher
Rob Bourdon, US FWS	Lennie Day	Tony Friedrich, SGA
Jeff Brust, NJ DEP	Jeff Deem	David Frulla, Kelley Drye

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The Board will review the minutes during its next meeting.

Guests (continued)

Jeanne Fuller
Alexa Galvan, VMRC
John Gans, TRCP
Pat Geer, VMRC
Shaun Gehan, Gehan Law
Lewis Gillingham, VMRC
Jim Gilmore, NY (AA)
Angela Giuliano, MD DNR
Pam Lyons Gromen, Wild Oceans
Brendan Harrison, NJ DEP
Hannah Hart, FL FWC
Marin Hawk, MSC
Matthey Heyl, NJ DEP
Jaclyn Higgins, TRCP
Helen Takade-Heumacher, EDF
Peter Himchak, Cooke Aqua
Carol Hoffman, NYS DEC
Jesse Hornstein, NYS DEC
Asm. Eric Houghtaling, NJ (LA)
Michael Jarbeau
Jeff Kaelin, Lund's Fisheries
Carrie Kennedy, MD DNR
Adrienne Kotula, Ches. Bay Comm.
Ben Landry

Wilson Laney
Tom Lilly
Tom Little, Ofc. Asm. Houghtaling
Chip Lynch, NOAA
Genine McClair, MD DNR
Dan McKiernan, MA DMF
Kevin McMenamin
Jason McNamee, RI (AA)
Steve Meyers, Williamsburg, VA
Drew Minkinen, US FWS
Chris Moore, CBF
Patrick Moran, MA DMR
Lindsey Nelson, NOAA
Robt. Newberry, DelMarVa Fisheries
Bradley O'Bier, NOAA
Gerry O'Neill, Cape Seafoods
Derek Orner, NOAA
Alexis Park, MD DNR
Nick Popoff, FL FWS
Will Poston, SGA
Jill Ramsey, VMRC
Harry Rickabaugh, MD DNR
Jocelyn Runnebaum, TNC
Amy Schueller, NOAA

Tara Scott, NOAA
Alexei Sharov, MD DNR
Ethan Simpson, VMRC
Melissa Smith, ME DMR
Somers Smott, VMRC
Rene St. Amand, CT DEEP
David Stormer, DE DFW
Jim Uphoff, MD DNR
Chris Uraneck, ME DMR
Beth Versak, MD DNR
Mike Waine, ASA
Meredith Whitten, NC DENR
Kate Wilke, TNC
John Williams
Wes Wolfe, *The News-Leader*
Chris Wright, NOAA
Horace Wynn
Sarah York, NOAA
Darrell Young
Phil Zalesak
Erik Zlokovitz
Rene Zobel, NH FGD

The Atlantic Menhaden Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Tuesday, October 19, 2021, and was called to order at 1:15 p.m. by Chair A.G. "Spud" Woodward.

CALL TO ORDER

CHAIR A.G. "Spud" Woodward: Good afternoon, everyone, this is Spud Woodward, Governor's Appointee from the state of Georgia and Chair of the Atlantic Menhaden Management Board. I'm going to call our October 19, 2021 meeting to order. Unfortunately, we're once again doing this virtually, which has been a test of all of our patience.

I know hopefully there is a bright light on the horizon, and maybe this will be the last time we have to do this in a virtual format. I'll do my best to keep us moving. Before we have approval of the agenda, I just want to make a couple of comments on and affirm that in the interest of hopefully keeping things flowing smoothly this afternoon we have until 5:15 allocated for this meeting.

We've got a couple of agenda items, both of which can consume a vast amount of time. What I would like to do on our Number 4 agenda item, is hopefully limit that discussion to about 2:10, 2:15. This will be the third time when we've actually seen information, and then the second time we've had some discussion.

In fact, there is about 11 pages in our proceedings from our last meeting, where we discussed this agenda item. Certainly, don't want to constrain the discussion, but hopefully we can move forward. I know the TC and the ERP Workgroup would certainly like for us to make a decision at this meeting. If we just can't reach consensus or something close to it, we can certainly move this forward to the next meeting. But I would like for us to do that if possible.

After a break we'll go into a progress update on the development of Draft Addendum I to Amendment 3. We've got a couple hours allocated for that. What we really want to do with this is we're going to present an overview of it, go through each item, then take some general questions about the overview.

Then sort of work our way back to the beginning and start dealing with each item individually, because there is a series of questions. Unfortunately, you didn't get this until last week. I wish everybody had a little more time. We will certainly give it the amount of diligence that we need.

MODIFICATIONS TO AND APPROVAL OF AGENDA

CHAIR WOODWARD: With all that said, are there any recommendations for modifications to the agenda? If so, please raise your hand.

MS. TONI KERNS: I see no hands, Spud.

CHAIR WOODWARD: All right, thank you, any objection to the agenda as presented?

MS. KERNS: I see no hands.

CHAIR WOODWARD: All right, we'll consider the agenda adopted by unanimous consent.

APPROVAL OF PROCEEDINGS

CHAIR WOODWARD: Next item will be approval of the proceedings from our August, 2021 meeting. I've pointed out at least one thing to Kirby that was a minor change, but are there any modifications or edits, corrections to the proceedings that need to be made a matter of record?

MS. KERNS: I see no hands.

CHAIR WOODWARD: All right, will there be any objections to accepting the proceedings as presented in the briefing materials?

MS. KERNS: I see no hands.

CHAIR WOODWARD: We will consider the proceedings adopted by unanimous consent.

PUBLIC COMMENT

CHAIR WOODWARD: This is a time on the agenda for public comment. Kirby, we have at least one person who would like to make comment, is that correct?

MR. KIRBY ROOTES-MURDY: Yes, that is my understanding. We had Tom Lilly, who has indicated he wants to provide public comment.

CHAIR WOODWARD: All right, Mr. Lilly, and again just a reminder. This is an opportunity for comment for things that are not on the agenda for this meeting. We're pretty busy, so I'll certainly allow you three minutes to comment, and we've got a time keeper up there on the screen. If you'll proceed.

MR. KERNS: Spud, just really quick. I just want to let you know that you have three folks with their hands raised, Tom, Phil Zalesak and Captain Robert Newberry.

CHAIR WOODWARD: Okay, well we will take them in order then. All right, go ahead, Mr. Lilly.

MR. TOM LILLY: All right, Board members, will you please start the process today, to make sure the menhaden schools coming into the Bay in the spring and summer to feed our striped bass spawning stock and ospreys, are protected from the eight to ten purse seiners that target them. It's a question. That's the time of year when our spawning striped bass are in the Bay.

They need the high energy of menhaden, and the extra demands of spawning. As you know, any other prey is a poor substitute. That these fish, according to Chesapeake Bay Foundation and Director Beal, are in poor condition, malnourished. Menhaden in their diet has declined from 70 percent to 8 percent. You should know that the Maryland juvenile survey

counts are the lowest in 55 years. The Bay cap does nothing, nothing to protect this vital forage. It operates if at all, after all the damage that is done. This continuing and worsening spawning situation failure is harming millions of people in each of your states. It's not just Maryland's problem. Ask yourself this, am I standing by while one or two delegates are blocking what you know and what I believe every person in Maryland that values Chesapeake Bay knows that action needs to be taken to solve this problem right now.

Just going along for the last 50 years has gotten Chesapeake Bay in the shape it's in right now. Both the spring/summer menhaden and at least 50,000 metric tons of forage are now being taken directly from the Bay's food chain. This can be protected by moving the purse seine fishing into the U.S. Atlantic, just as every state but Virginia has done.

If you do this, three owners of the purse seine boats in Virginia will still be getting 150,000 metric tons of free menhaden. They will be getting three times as much menhaden as all the other fishermen in all the other Atlantic states combined. If the Board acts at this meeting to start a process to protect the flow of forage in the Chesapeake Bay, and protect the forage base that that creates, this day, Tuesday, October 19, will go down as a very good day for Chesapeake Bay. Thank you.

CHAIR WOODWARD: Thank you, Tom. I appreciate you keeping it within the time. Next up Phil Zalesak, go ahead.

MR. PHIL ZALESAK: Chairman Woodward, I just have one question. In support of what Tom Lilly just said, what are you going to do about the destruction of the Chesapeake Bay marine environment today, not five to ten years from now? I see no science which supports removing over 26 percent of the Atlantic coast total allowable catch of Atlantic menhaden from the Virginia portion of the Chesapeake Bay.

I see no empirical data indicating a vibrant commercial harvest of key predators of Atlantic menhaden in the Chesapeake Bay, such as striped

bass, bluefish, and weakfish. I have read Commission science that says there are not enough Atlantic menhaden on the Atlantic coast to ensure the survivability of key predator fish, such as striped bass, bluefish and weakfish.

I have read the letter from Dr. Brian Watts from William and Mary to the Governor of Virginia, stating that there are not enough Atlantic menhaden in the main stem of the Chesapeake Bay to feed the osprey. The conclusion was based on 50 years of research. I've seen the data documenting the steady decline in commercial catch in striped bass, bluefish and weakfish in the Chesapeake Bay, as documented by Maryland, Virginia, and the Potomac River Fisheries Commission.

I've seen data documenting the steady decline in commercial fishermen in both Virginia and Maryland, as documented by the Maryland Department of Natural Resources and the Virginia Marine Resources Commission. You, as Chairman, are responsible for leading the Board and focusing on strategic matters.

Your first order of business is to end the destruction of the Chesapeake Bay marine environment. Are you going to put forth a motion to end reduction fishing in the Virginia waters as other states have done, and start a discussion based on science and empirical data, yes, or no? The benefits where this has occurred have been enormous. Commissioner Woodward, I yield my remaining time for response from you.

CHAIR WOODWARD: Thank you, Mr. Zalesak. However, I guess my response would be that this is a public comment period, certainly not a question-and-answer session. I will refrain from any sort of response. I do appreciate your passion and your commitment to this issue, and I assure you the Board takes very seriously the issues of the Bay and the menhaden within it. Our next commenter is Captain Robert Newberry.

CAPTAIN ROBERT NEWBERRY: Captain Robert Newberry, Chairman of DelMarVa Fisheries here in Maryland. I've been hearing there has been a lot of doom and gloom talked about the Chesapeake Bay. We represent the menhaden fishermen, which is a stationary fishery here in the state of Maryland.

We do not hunt and chase. A few do gillnet, but the majority of it are pound netters. Over the past several years, yes, our catch, we've had to leave a little bit on the table. But that is because our market has basically been kind of sidelined for us. You know the majority of our fish were going to the New England states, and now with this episodic event going on up in Maine, it's really hurt our market.

I would certainly hope that this Commission would also take a look at the financial side that is adversely affecting our menhaden fishermen. The comment on the health of the Chesapeake Bay. I also run a charterboat, and represent many people in the charterboat industry, and we've had a good fishing season this year in the Chesapeake Bay. Once again, it's gotten better, even with the pandemic moneywise for the charter fishing.

But the health of the fish seems to be in a good shape. We understand that there is a low amount of young of the year index this year, but that could be because of the change in the climate that we're experiencing right now, and we will address that with the department. But to hang it on the hat of saying that the menhaden fishery in Virginia is affecting and adversely affecting the Chesapeake Bay. I've got to firmly and very honestly disagree with that, because it does not affect my menhaden fishermen in any shape, form or manner.

There are days that they catch them and there are days that they don't catch them, because they are not a hunt and chase fishery. But knowing the upper Bay and the Chesapeake Bay like I do; I am seeing loads and loads of fresh year class and two-year class menhaden. As far as the poor ospreys, we've got more ospreys, just for example on my farm we've got eight nesting pairs, and we picked up two more eagles this year. I just can't see that

there is all this doom and gloom about the Chesapeake Bay.

I know that the Commission will move forward in a good move to address the problems. But everything in the science we're seeing is it's a sustainable fishery, and I think blaming the state of Virginia for decimating the Chesapeake Bay, and not addressing the real problem with pollution that we have, specifically in the upper Bay is the main issue, and I thank you very much for letting me comment, and you all have a good day, thank you.

CHAIR WOODWARD: Thank you, Captain Newberry, we appreciate it. All right, Toni, Kirby, anybody else in the queue that want to comment?

MS. KERNS: That's it, Spud.

**PROVIDE GUIDANCE TO THE TECHNICAL
COMMITTEE AND ECOLOGICAL REFERENCE
POINTS WORK GROUP ON
THE PRIORITIES FOR COMPLETING THE NEXT
BENCHMARK STOCK ASSESSMENT**

CHAIR WOODWARD: All right, I appreciate it. Thanks everybody for the comments, thanks for keeping within your allotted time. I do appreciate it. Our next agenda item is Providing Guidance to the Technical Committee and Ecological Reference Points Work Group on the Priorities for Completing the Next Benchmark Stock Assessment.

As I mentioned earlier, I had an opportunity to look at a lot of background material. We've had some pretty robust discussions about it. Obviously, this is a challenging thing for the Board to come up with, you know a consensus opinion. We all want to advance ecosystem-based management. We certainly want to maintain our forward progress on the use of ecological reference points for Atlantic menhaden.

But we also have to be cautious and not let our ambitions overwhelm our reality. I know Dr. Cieri has got a presentation for us that I think maybe will help us focus our questions today, so that we can give guidance back to the TC and the Working Group the guidance they need, so that they can move forward. With that, Matt, are you ready to go?

DR. MATT CIERI: Yes, I think so. My name is Matt, I'm a scientist in the Maine Department of Marine Resources, and I'm also the Chair of the Ecological Reference Point Working Group. To get this ball rolling, as you guys know, in our peer review document, as well as in the assessment document itself, there was a research recommendation to develop a spatially explicit model.

Back in 2021 in the winter, you guys asked us to really provide further details, including the data needs, timeline for development and implementation, you know as well as whether or not a spatial model will help resolve some of those vexing questions that you guys have on regional based management and Chesapeake Bay management questions.

We came back and gave you a preliminary list of potential spatial approaches that covers like a wide range of spatial complexity and data needs. With different levels of sort of management support to give you guys an idea of what could be provided, as far as to support the management. I will say that all of these data needs, the model considerations, and everything that we put out, you know is subject to our current understanding of feasibility, based on what we know currently. This can be subject to change.

The approach, or probably the best approach to help you guys make informed decisions is kind of going to depend on your goals, you know as well as the data and funding that goes along with it. Well, again, as you guys remember from the memo, the goals from the other presentations. We've got a whole range here.

You know from four spatial models with minimal data requirements, to much more fine scale, needing a lot more information on diet and that kind of information. There is a range of approaches as you go through that. As you go from coarser to more fine scale, you know there is that potential for increased cost as well as increased time involved for getting this kind of stuff done. Getting an idea of your objective is going to help us move both. Whatever is the most appropriate approach that is ultimately going to be the most useful for you guys. To get right down to it, I'm going to ask you guys a series of questions.

I'm going to pause after each question for you guys to discuss, and so that we can get a better handle on what your goals and objectives really are, and so that we can move forward with the best tool that is going to be useful for you guys for making a decision. Question Number one, are you guys interested in a spatially-explicit model for menhaden, at any time, any scale? Is anybody really opposed to having a spatially explicit model for that? I'll let you guys discuss that for a minute.

CHAIR WOODWARD: All right, we've had a question posed to the Board. I will open it up for responses to this question. If you'll raise your hand, Toni will be monitoring hands and I'll be doing my best to make sure I get them in the proper order.

MS. KERNS: I'm waiting for that onslaught of hands to come to us, Spud. All right, we'll start with Conor McManus.

CHAIR WOODWARD: All right, go ahead, Conor.

MR. CONOR McMANUS: I guess simply put; I would be interested in such an effort. I see there is value in better capturing the dynamics for the stocks in doing so, without turning it too much into another question. I suppose it comes down to just priorities, and doing so at the expense of what other tasks we may have coming up, whether it's future benchmarks,

future reference point workgroup work on alternative models, revisiting ones that have been looked at in the past. In simple terms, yes, but I guess it would depend on the priorities.

DR. CIERI: Yes, we've got other questions to go through to hopefully help nail some of that other stuff down. But this is a base level question. Is anybody really opposed to doing a spatially explicit model for menhaden?

MR. McMANUS: Great, thanks Matt. I guess my answer would be yes.

MS. KERNS: A few more, Lynn Fegley and Rob LaFrance.

CHAIR WOODWARD: Go ahead, Lynn, and then Rob you're next.

MS. LYNN FEGLEY: Thank you, Matt, and hopefully we'll be able to get through, I know we want to do this quickly. I think in my mind the answer is, I certainly would not be opposed to a spatial model. But I guess what I would like for you to maybe help us understand is. I know since the benchmark.

You know the scientists have been talking about adding seasonality and some spatial components to the model, to better refine the estimates, especially in relation to the overlap of menhaden with Atlantic herring. I guess in my mind I'm trying to understand what, so if you guys have your head and you wanted to keep this thing on schedule, in other words not delay the benchmark. What kind of spatial component, spatial seasonality would you be able to add, and what sort of increased resolution would that give us?

DR. CIERI: I think that would probably be informed by my next series of questions. After we get this sort of thing out of the way. You know we can talk a little bit more about what we're planning on and what we're thinking about. You know as far as where we see this direction needs to get. You're correct, we're definitely considering seasonality affects, or whether or not that translated into

spatial resolution is something that we certainly can discuss.

But for now, I think I want to focus everyone in on kind of a yes or no question. Is there anyone really opposed to pursuing this spatially, first of all? If not then we can move on. If you guys don't want to do this, we can end the presentation and I can go have a slice of pizza. But for right now, this simple question will get into how much, if you guys do want a spatially explicit model, we can get into the kind of tradeoffs of what that will be in our next couple of questions.

CHAIR WOODWARD: Maybe I can help put us back on track with this. Before I call on you, Rob, does anyone on the Board have serious reservations or opposition to moving forward with some level of spatially explicit modeling? If so, raise your hand and express your concerns.

If not then we will assume that some level of spatially explicit modeling integrated into the current approach is the will of the Board. Rob, you had your hand up so go ahead. I'll call on you after that. I'll be looking for raised hands from those who have concerns about using some sort of spatially explicit component.

MR. ROBERT LaFRANCE: I think we're going to ask Matt not to have pizza, and continue his work and move forward here. That is all I wanted to say. I just think it's really important to get the spatially explicit model, so we understand the dynamics of this fishery, certainly with regard to where it moves given climate change.

CHAIR WOODWARD: All right, Toni, got any hands?

MS. KERNS: I have no hands.

CHAIR WOODWARD: Okay, I think that answered your question, Matt, so let's move on.

DR. CIERI: Excellent, yes. This is the problem that actually working from home is you are right next to your refrigerator. This one is a little bit more of a detailed question. Are you guys willing to delay the next benchmark in order to explore spatially explicit models for menhaden? To give you guys a clue, our next benchmark is in 2025.

Before that we're doing an update of the single-species model in 2022. We will start doing a benchmark right after that in 2023. The 2025 benchmark for both the ERP model, as well as the single species model, lined up pretty well with a lot of these other species in the ERP model. The question for you guys is, do you want to delay that next benchmark in 2025? How long will depend on the answer to the next few questions, but do you want to delay that model, that benchmark assessment, in order to move forward with spatially explicit stuff? Before you answer that question, if you're not willing to delay the next benchmark, we will go ahead with the 2025 benchmark as we had planned, and we will consider spatially explicit stuff after that. As I alluded to earlier, we have some other things in the assessment model that we need to deal with.

In particular like Lynn brought up, you know the issue of seasonality to include Atlantic herring consumption, and some other aspect that we would like to take a closer look at before we bounce it off here. If the answer is yes to this question, then we're going to postpone this 2025 benchmark assessment.

We have further questions that we're going to ask you guys to help guide us in that process, so that we can try to figure out what's the best approach to get to the information. I'm going to stop here, and I'm going to let you guys have a discussion about whether or not you're willing to delay the next benchmark, how long that delay will be will be dependent on the answers that you have to the next few questions.

CHAIR WOODWARD: Thanks, Matt, I've just got a question maybe that will help, of the Board. If we do not delay and we go forward, we will be

continuing to advance the use of ecological reference points for Atlantic menhaden, by refining the model and the data inputs that we're using. Is that a reasonable statement?

DR. CIERI: That is. As you guys know, we still have a lot of work, in particular with that spatial issue with Atlantic herring, but for some other things as well. We have plenty of work for the next benchmark, you know in addition to considering spatially explicit stuff, you know to begin with.

That is the reason that it's going to take us almost two years in the next benchmark. You've got to remember; we're updating a single species model with all the tweaks and bells and whistles that go with that. But also, you know we have to redo that ERP model, and so that will be an endeavor. It will mean that we will have to refine some of our estimates.

CHAIR WOODWARD: What I would like now is I would like to hear from Board members who are in favor of postponing the 2025 benchmark, in the interest of incorporating spatially explicit modeling elements. If you feel strongly that that is the right course of action, I would ask that you raise your hand and explain your position. Any hands, Toni?

MS. KERNS: I have no hands at this time. Wait, Tom Fote and then followed by Conor.

CHAIR WOODWARD: All right, go ahead, Tom.

MR. THOMAS P. FOTE: I just have a question. If we did not do the single species update, would that give us more time to get the 2025 in, without running over it to get the spatial planning?

CHAIR WOODWARD: Go ahead, Matt.

DR. CIERI: It will depend on your answer to the next few questions, largely, depending on how complicated of a model and a framework you want. The answer is possibly, but you also need

to remember that the terminal year for that last benchmark is 2017, so it's getting old. I think you guys will be making management decisions by quotas. I would have to go back to the ERP and probably the TC to get a more definitive answer on that question.

But I will allow you guys to cogitate a little bit on that particular issue, 2017 is quite a long way, you know before getting an update of a single species. In general, depending on the choices that you have in front of you, it might be a while, even with not doing a single species. There is a lot of work involved, depending on your choices in the next questions. Does that hopefully answer your question, Tom?

MR. FOTE: As best as you can, I guess.

DR. CIERI: Yes, sorry. I mean I can't speak for the TC. We would have to ask. But unless there is a Katie Drew somewhere running around, or a Sarah who would like to answer that question off the top of their head.

MS. SARAH MURRAY: This is Sarah, I'll just chime in if I may, Spud.

CHAIR WOODWARD: Certainly, go right ahead, Sarah.

MS. MURRAY: I just want to note that in the timelines we laid out in the memo, which it may have been a while since folks worked at that with a fine-tooth comb. But the timelines for development for a lot of these spatial approaches, we're looking at something in the range of 5-7 years, and I will note that we only have well, a little bit over 3 years to go between now and 2025, I guess 4 if you push it to the end of 2025.

Based on the timelines that we worked with, with the ERP, I don't think the 2025 deadline was feasible. We could get maybe closer to that, but even if there was less work on the single species side, there is a lot of development that would be needed for ERP, based on their last assessment of

timelines, which again caveat that those are subject to change.

DR. CIERI: With that in mind, I think the crux is, not doing a single species assessment, and only do it by the year.

CHAIR WOODWARD: All right, Conor, go ahead.

MR. McMANUS: Matt, just one real quick question first, and sorry if you have said this and I missed it. If the answer were no, is the plan for the benchmark would be both the BAM and the Ecological Reference Point Working Group to go concurrently to evaluate the same suite of models for the ecosystem components that was done previously, or are we just speaking to the single species?

DR. CIERI: No, we're speaking about both the ERP models and the single species BAM model, so both models for the benchmark.

MR. McMANUS: Excellent, thank you. I guess to help the conversation. I guess my preference would be to not delay the 2025 benchmark. I think as we've talked about in a number of meetings now, we've seen changes in the dynamics of the stock in the last few years that are included in our inference for the species that I think are important to get updated information on as fast as possible.

As well as I would like to take another evaluation as time permits for the ERP working group model suite, and again take a look at some of the things we've learned about the seasonality and such for the EWE model, since it was brought forth to the Board a couple of years ago, and that further, again take another look at some of the models that we're using to base our ecological reference point decisions on. With that I would suggest, from my perspective it would be to not delay the assessment would be the best approach.

CHAIR WOODWARD: Any other hands, Toni?

MS. KERNS: No.

CHAIR WOODWARD: Okay Matt, I think you have an answer question that is pretty definitive.

DR. CIERI: Yes, excellent. Also, just to remind you guys, it's not like we're going to stop working on spatial issues. I mean we're going to go through this next benchmark, but we're hoping to work on more spatial issues for the following benchmark. It's not like this is going away forever, you guys will see it eventually.

With that kind of incentive sort of in mind, we can move to the next question. Given your consensus so far, you know the next couple of questions aren't really critical. But there is something for you guys to just sort of keep in the back of your mind, and in particular to sort of concentrate on as we go through this benchmark, and as we set up for the next benchmark.

The first of this question is, do you want Chesapeake Bay specific information to take precedence, or do you want a coarse spatial model that will include the Chesapeake Bay? The pros and cons of this type of an approach are, you know if we do something just for the Chesapeake Bay, a sort of simplified Chesapeake Bay approach might be done a little bit more quickly than something that is more regionally based.

Incorporating some of those coastwide spatial dynamics, in and of itself the reasonable approach for our ERP work, just to begin with. But getting at sort of an idea of whether or not you guys are interested in doing something that is just for the Chesapeake Bay versus the Chesapeake Bay and the region wide, would give us a better idea about timelines. Again, this isn't really critical, given your consensus on the last question, so I'll shut up now and let you guys talk.

CHAIR WOODWARD: A clarifying question on that, Matt. You were referring to what would be the next step after the 2025 benchmark. In other words, where would we go next, in terms of priority?

DR. CIERI: Right, and again, you guys don't have to come to consensus about this now, considering your answer to the last question. But it is something to keep in the back of your mind, for maybe for you guys to discuss a little bit.

CHAIR WOODWARD: Well, and also, I think it's very helpful, because one of the things that we continue to struggle with is, we need to be able to see ecosystem-based management with a lot of data. Nobody is just giving us money willy-nilly, and if we believe that some sort of Chesapeake Bay focused approach is necessary, I think that may help us focus funding requests, and maybe use some existing funds. With that I will open the floor for those who would like to comment in response to this.

MS. KERNS: Spud, you have Lynn Fegley, followed by Emerson Hasbrouck.

CHAIR WOODWARD: All right, go ahead, Lynn.

MS. FEGLEY: You actually read my mind and asked the exact clarifying question that I was going to. Now we know we're talking this question and refer to what will happen after the benchmark. I think a lot of that really depends on what sort of data gathering program, you know we can muster in the interim. I'll leave it at that and thank you for being an adept mind reader.

CHAIR WOODWARD: You're welcome. Go ahead, Emerson.

MR. EMERSON C. HASBROUCK: From my perspective, I think it's a little premature to ask this question and then to answer this question. I would rather revisit this question once we know what the next benchmark assessment shows. You know I don't want to provide some direction for something that is not going to happen for maybe two or three years from now, and then when we get there, we've got a different perspective on things. I think it's too premature to answer this question, thank you.

CHAIR WOODWARD: I appreciate that Emerson, and I think this is certainly not intended to be a binding recommendation from the Board, more than just a sense of the direction that the Board would like our scientific advisors to go with. Is that a correct way of phrasing that, Matt?

DR. CIERI: Yes, with the caveat of depending on the answer to the next question, along those lines is, the benchmark after this one, it seems like it's a long time to that, right? Except that you've got to somehow get funding for surveys and get them completed by the benchmark after next. Then you start talking about, you know that does become important.

As we move through this next question, we can sort of get an idea. It might take getting a survey off the ground, for example. In order to get if you're interested in the Chesapeake Bay then a survey may be required, and therefore we will need to start that well before the benchmark after that. Hopefully that, if you want this kind of stuff then we need to start thinking about it now, and finding the money.

CHAIR WOODWARD: Right, if you're going to build a house you've got to have materials. Any hands up right now, Toni? If not, I think maybe we would move to the next slide to help inform this discussion.

MS. KERNS: All of a sudden, we've got a bunch of hands. Steve Bowman, followed by Allison Colden, Max Appelman, and Emerson, I think your hand might be left over from before. Yes, it was, so Steve, Allison, Max. Go ahead, Steve.

MR. STEVE BOWMAN: Good afternoon, Mr. Chairman. As you well know, I've many times gone on record hoping for some more definitive information that we could glean from the Chesapeake Bay, and this question hits right to the point. I was just going to wait until some of my very informed colleagues answered first.

But I think it would be a disservice to not be in keeping with the consistency that I've always

advocated for, and that is the need to understand the dynamic of what is going on in the Chesapeake Bay. The rest of the aspect for modeling of course from feed with it, but I really, honestly, and we've heard everything from what's so important about the Bay.

It would really, really be, at least from our perspective as we are now responsible at the Marine Resources Commission for managing the menhaden fishery in the Chesapeake Bay, for us to have the best science that we possibly can, and I think this is a step forward in that direction. I would certainly be in support of it.

CHAIR WOODWARD: Allison, go ahead.

DR. ALLISON COLDEN: I'm just wondering if there are some opportunities. I know the memo included a couple of interim options or indicator index type of options, and I'm just sort of wondering. In addition to identifying and getting additional surveys and data collection on the ground, are there other efforts that we could possibly dual track, maybe at the state level, in the interim while the benchmark is being developed?

I agree that it is important for that to move forward on time. I share Matt's concerns about the terminal year of the previous assessment, and being too far behind the eight ball there. But with respect to either, like ecosystem indicators or the aerial survey or, you know I think that there is an assessment that was funded for Chesapeake Bay specifically that has not moved forward. Would you recommend any of those options that could possibly be dual tracked, so that we could be ready with some other options at the state level before or soon after the next benchmark?

CHAIR WOODWARD: Go ahead, Matt, you can respond to that, or Sarah, whoever is most comfortable doing it.

DR. CIERI: We can. As we go through the next benchmark we certainly will talk about these

types of issues. I think what's kind of really important though is, and we'll get to the data question a little bit later. But really, are you guys interested in just doing something for the Chesapeake Bay, or are you guys interested in doing something that will help you inform your regional allocations? I think that is what this question, to get us back on track. I think that is what this question really is trying to get at.

CHAIR WOODWARD: Okay, so with that sort of refreshing our perspective on it, I'll call on Max, and certainly would like to hear from anybody else in response to this. Go ahead, Max.

MR. MAX APPELMAN: I think Matt might have answered my question. I guess I'm getting a little confused on the timing of all of this, given I've heard a couple different things. On the one hand, given our last decision to not delay the benchmark, spatial modeling is really not going to be the focus of that benchmark.

But I think I heard that given what our answers are on these next set of questions, the TC and ERP Work Group will start working on some of that stuff. Although again, it's not going to be the focus of the next benchmark. Then I think I heard a little later that it's a much more stepwise fashion, where this will not be worked on in the interim, it will be preserved until after the benchmark is completed.

I guess I'm looking just for a little clarification, my own understanding. The guidance that we might be able to provide today is that even though we're not delaying the benchmark, is the ERP Work Group going to try to make some progress on that stuff during the next benchmark, so it's sort of more fluid, or is it really going to be this stepwise fashion? I think I heard the answer, but it's a little hazy.

DR. CIERI: Let's face it, we'll probably end up talking about it. My gut tells me it will probably end up being yet another research recommendation at the end of the next benchmark. Hopefully that we'll get some more direction for the peer review about how to do that and kind of accomplish that. The answer is in the form of it will be discussed.

We won't work on it, it won't part of the next assessment. Nobody is going to come up with a magical analysis last minute, hopefully that will resolve a spatial issue, so we won't be working on it. But if in the benchmark after next, you know given the answers that you guys had. Then we will start working on some spatial issues.

Prior to that we're going to meet to discuss things, depending on your answers to my questions, you know about sort of what that spatial component looks like, and how it can best fit into your management plan. You guys don't have to, you know as somebody suggested, you don't have to do this now. You can provide us input along the process, so that it becomes a lot more fluid. Does that answer your question, Max?

MR. APPELMAN: Yes, it does, thank you, Matt. I think just to hammer on that last point that I don't think the intent here is to not try to provide the input that you're seeking, just because we bought ourselves some time with our last decision, obviously we want to keep this thing moving forward, and give you guys as much intel as we can so you can get started with this next benchmark during the next benchmark.

CHAIR WOODARD: Toni, any raised hands?

MS. KERNS: We have two last hands up, Lynn Fegley and then Conor McManus.

CHAIR WOODARD: Go ahead, Lynn.

MS. FEGLEY: Thank you for letting me speak again. Just to step through this. Does the information for Chesapeake Bay take precedence? I would say absolutely yes. It's the biggest estuary on the east coast, and one of the most important nursery areas, of course it takes precedence.

But I don't think that it's really about regional allocation at this point. I think it's about

understanding the dynamics of the fishery, so we understand the impact of menhaden harvest within the Bay. I think it's really about getting a better idea of the fishery and stock dynamic within the Bay, but that is going to take data.

We really are going to need new data streams to drive that. But think that that needs to be a priority from today. As for the simplified Chesapeake Bay only approaches that could take less time. I think without that additional data, what we're going to have if we go into this index-type management, which I'm not opposed to.

But that is going to be a bit of a value judgment. It's going to take a pretty intensive process to come to agreement on what sort of action you take with a given index outcome. I want to say that I really appreciate all of our public commenters, and I think what we've heard are a couple of very different perspectives about what is happening in the Bay.

That right there tells us that without really hard information, it's going to be not impossible, but difficult process to come to agreement, using sort of a traffic light approach if you will. Yes, the Bay should take precedence and we need data. Thank you.

CHAIR WOODARD: Before I go to Conor, when approximately would the next benchmark be after the 2025 benchmark?

DR. CIERI: If I'm not mistaken, and Kirby can probably or somebody else can probably correct me. I believe it's six years between benchmarks. Is that correct?

MS. MURRAY: Yes, that is correct, so that would be 2031, believe it or not.

CHIAR WOODWARD: Wow, okay. All right, Conor go ahead.

MR. McMANUS: Lynn spoke to a lot of the points that I was going to reinforce, but I just wanted to provide or let it be known that we use a similar standalone approach year-round for Narragansett

Bay, when it comes to managing what we would call menhaden management area within the Bay. It's a standalone analytical tool that could be of use, at least as an example for if there were interest in applying a similar approach to other estuaries. I guess I would just add that it does take data, and at that pretty fine temporal scale. If that was of interest, it probably isn't worth going through all the details of that here, but I would be happy to follow up with folks offline, so that the TC or what not can help relay some of that information for people to take a look at if it's useful. But again, the take home being that it does require a commitment to sampling the reef.

CHAIR WOODWARD: Toni, any other hands?

MS. KERNS: We have Tom Fote.

CHAIR WOODWARD: All right, go ahead, Tom.

MR. FOTE: Well, I'm just sitting here looking at timelines. I was going to ask the same question he just did, 2031. Well, let me see where we're going to be in 2031, it will be eight more years or nine more years of global warming. By 2031 we'll probably have a couple of thousand windmills out in the ocean at that time, if everything proceeds as we're going here.

Most of us sitting around the table, since I will be 85 in 2031, and a lot of other people that are younger than me will be retired by that point. It will be a whole new Board members handling these problems, so we are pushing it down the track. Sometimes you need to look at where we are and where we're going and how long it's going to take us to get there. Eight years from now, it's a long time.

CHAIR WOODWARD: Yes, yes, I agree. It's just pretty sobering when you think about that far into the future, when your outlook is out mature age, Tom. I know it's frustrating to folks who would like to see things change in what they believe is a necessary positive direction much quicker.

But I do think we have always hung our hat on quantitative Bay science the best we can, and admittedly that we implemented a Bay Cap out of the precautionary measure. Okay, just in the interest of moving forward, is there anybody that has strong opposition to maybe focusing on this simplified Chesapeake Bay approach for the rest of the discussion?

MS. KERNS: I see no hands. No hands for that.

CHAIR WOODWARD: Okay Matt, do you have what you need to move along?

DR. CIERI: Yes. Speaking of data. This sort of gets back to the sort of funding priorities. If you're looking at a Chesapeake Bay specific information, we're going to need to fund abundance surveys that include the Chesapeake Bay. If we're moving more towards a coastwide spatial information is desired, then we'll have to fund some spatially explicit diet data to do that

The funding for model development may shorten our timeline, based to the more money you throw at this problem the shorter the timeline. This is question 4, sorry. Question 4 comes around, you know is a rough approximation of Chesapeake Bay, based on historical tagging going to be sufficient, or are you guys going to want updated specific Chesapeake Bay information? The reason why this is really important is, you know the historical tagging information is great, but it's a little long. Chesapeake Bay specific information recent is going to require funding and new abundance surveys to provide that data to, and if we're going to be doing that, even though it seems like it's eight years away, we're going to have to start thinking about what those surveys look like, and who is going to pay for them, probably fairly soon.

CHAIR WOODWARD: I think I probably know the answer to this question, but I will certainly offer the Board opportunity to weigh in on this. Just a little heads up, we're encroaching in on our planned first break. I don't want to rush anybody, but we are winding down. But this is where the rubber hits the

road here. If you've got a comment in response to this, please raise your hand.

DR. CIERI: With that caveat again, this isn't going to be binding for this assessment, and if you guys can't really decide right now that's okay, we'll profit off this program.

MS. KERNS: I don't have any hands.

CHAIR WOODWARD: I think folks are as committed as they want to be, Matt.

DR. CIERI: That's okay.

CHAIR WOODWARD: On behalf of the Board, I do think that we're always interested in the most recent information that can be acquired, and that what the Board really needs is where are the priority data needs? What exists now that could be continued or enhanced? What needs to be started that hasn't been or ever been, or hasn't been done for a long time? We can apply our efforts to get in resources necessary to do that.

DR. CIERI: That's a really good point, what I will bring up is something the Chair has prodded me to say. To the effect of, if this is important. If getting recent research information to inform this sort of approach is something that you guys want, you need funding sources. We need people's time in order to be able to do this kind of stuff. That is the other thing to keep in mind. It might be good to say that you want the most recent spatial information possible, but we're not going to be able to bring that to you if there is not a funding source identified for it.

CHAIR WOODWARD: All right, thank you. Matt, are you comfortable with where you are with Board input?

DR. CIERI: I think so. We can just skip to the next slide and just throw out the questions, unless sorry I overrode Toni.

CHAIR WOODWARD: Go ahead, Toni.

MS. KERNS: I just had one hand up with a question from Robert LaFrance.

CHAIR WOODWARD: All right, go ahead Rob.

MR. LaFRANCE: I just wanted to kind of relay my interest in finding out more, and making certain as we look at this, we look at the experience in Rhode Island in the Narragansett Bay. I think there may be some really good information they've been working in that program. I'm so happy to hear we put that on the table. I just want to support us looking at that as we start to think about the Chesapeake Bay. Narragansett/Chesapeake Bay, I think there is some potential good overlap between the two.

DR. CIERI: Yes, Jason McNamee is on our committee, so he's been harping on this too. We'll definitely take a look at this.

CHAIR WOODWARD: All right, Matt, what do you need to wrap us up here?

DR. CIERI: If we can move two slides forward. That is the end of the presentation. I want you guys to ask any other further questions that you guys have, and other than that I'm done.

CHAIR WOODWARD: All right, thanks, Matt, it's been good. That really helped us focus in on the decisions we needed to make. I appreciate the Board's forbearance and participation in this. Are there any last questions for Matt? Here is your opportunity to.

MS. KERNS: We now have Justin Davis and Roy Miller.

CHAIR WOODWARD: Go ahead, Justin.

DR. JUSTIN DAVIS: Matt, to summarize. If between now and when the technical group was ready to begin working on the next benchmark. If no new data were collected, no new data programs were started, no new studies. Would it be fair to say that the only thing that might be able to be done is that coarse spatial BAM with the coastwide ERPs, which

if I read the memo correctly could be attempted with existing data?

But it would not provide resolution of the Chesapeake Bay separate from Maryland and Virginia coastal waters, and obviously wouldn't include any new information about abundance in Chesapeake Bay. I mean, I guess that is my first question. No new data are generated, no new studies are started. Is that the only possibility? Then, to what degree would you think that approach would be useful at all in answering questions about localized depletion in Chesapeake Bay, or the appropriateness of the Bay Cap?

DR. CIERI: Yes, you're pretty much on track. We'll try to do something, based with whatever data that we have it in from the benchmark after next. But we will be hamstrung by the amount of data. Ultimately, whatever we come up with will have to pass the peer review, which is a fairly high ball.

I don't want to rule anything in or anything completely out, if you understand where I'm going. Well, we'll have to get there when we get there. But if you guys want something that is more spatially explicit, particularly for the Chesapeake Bay, then we need to start thinking about what data streams we need to get them. Hopefully that answers your question.

DR. DAVIS: Yes, thanks, Matt.

CHAIR WOODARD: All right, Roy, go ahead.

MR. ROY W. MILLER: I confess, Mr. Chair, the more I've listened to this the more I'm getting some cold feet, or maybe it's buyers' remorse. I'm just wondering, until 2025 and then another six years beyond that. Since I'm in the same year class that Tom Fote is, I won't be around probably for that 2031 assessment. Between now and then, are we annually going to struggle with the question of what is an appropriate Chesapeake Bay quota? How do we answer

questions raised by advocates like Tom Lilly and Phil?

How do we answer those questions between now and then? Now, I was interested in the response of Justin Davis's question, and I think Matt gave me a little more assurance that we're not totally going to ignore these questions between now and then. Anyway, I just wanted to say that I'm somewhat uncomfortable with delaying everything until 2031, with regard to Chesapeake Bay. Thank you

MS. KERNS: Spud, I have Bob that might be able to address this 2031 question.

CHAIR WOODWARD: All right, go ahead, Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: All this talk about 2031 is kind of getting depressing. The benchmark timeline that the Commission uses, you know it's a five- and six-year trigger. We try not to go much more beyond that without making sure we do a benchmark for all the species.

That's really just to distribute the work and sort of the realization that anything significantly shorter than that, maybe the data hasn't changed and the world hasn't changed very much, so it probably doesn't make sense to do benchmarks more frequently. But you know that timeline is variable.

If the Policy Board thinks that they want a benchmark in three years following the next benchmark, and the technical folks think they can get the spatial work completed in that time, then we can prioritize that and make it work. A six-year number is just a guideline to give, to make sure we address all of our species.

But there is the ability of the technical folks to get the work done, and the interest of getting it done faster, then that is up to the Policy Board to prioritize that. We can speed things up and maybe have a couple Commissioners still at the table. But I get that 2028 versus 2031 is not that different, but there is some flexibility in the system, I guess is my point.

CHAIR WOODWARD: Thanks, Bob. That was a useful perspective. Just to bring us back to reality is that we've got to have data collection processes in place, and sustain them to produce the kind of data inputs that are necessary for this type of management approach. We've talked about that for years and years about a lot of our other management plans, is that we always fight to maintain existing data collecting processes, and to add new ones as science evolves. You know to me that is where I see the biggest limiting factor is are we going to have the data we need for the Technical Committee and the ERP Work Group to do what we expect of them? With that I will be quiet. Any further questions for Matt?

MS. KERNS: I have Dennis Abbot, and Tom Fote, I don't know if you're a leftover hand or not, Joe Cimino. Then I have a member of the public.

CHAIR WOODWARD: Go ahead, Dennis.

MR. DENNIS ABBOTT: I was interested in Tom Fote's remarks about how old he will be in 2031. In 2031 if I'm fortunate, I'll be 91, so I don't expect to be having any part in this final decision-making process. However, it seems to me that the very fact that we're even looking at the Chesapeake Bay and populations of menhaden in the Bay, and listening to the remarks of Tom Lilly and Phil Zalesak.

Just the fact that we're doing this, to me is admitting that there is a problem in the Chesapeake Bay, and if there isn't a problem in the Chesapeake Bay, if people believe that, then why are we even doing this? If we do believe that there is a problem in the Chesapeake Bay, I think we should be taking some more immediate action to change things there, as opposed to waiting five to ten years down the road to come up with something.

We're living in such a world now, as Tom says with climate change. The decisions that we make are always going to be subject to further

change. Matt talked earlier about, what do you want? Do you want something rough? Well, how do you describe rough or better or best, or whatever? We will never have the best science.

We're always going to be at some intermediate point. I think that at some point we have to make some practical decisions about what we should do in Chesapeake Bay. Should we be cutting down, making an effort to cut down on the 51,000 metric tons taken in the Chesapeake Bay as a precautionary measure?

You know, it just seems logical that none of us have talked about trying to reduce the overall quota, there just seems to be an interest in moving that quota outside of Chesapeake Bay. It would seem like that shouldn't be such a hard decision to make. But those are just the comments that I would make, and I also note during Matt's presentation that I don't know how many times he mentioned funding, funding, funding. You know, is it a worthwhile expenditure of how much money? Anyway, that's what I wanted to say, thank you for your time.

CHAIR WOODARD: Go ahead, Joe.

MR. JOE CIMINO: I've kind of been hinting at this the last couple of meetings, but I'll put it out there again, and that's just as we talk about environmental conditions changing. My concern for us keeping track of stock contribution from nontraditional areas and areas outside of the Bay. I'll just put this out to Matt Cieri and others that, you know thinking of ways that we can kind of think of, and start to think about, you know if they are one-time studies as done in the past, or if there is ongoing work that we can do to kind of get to the contribution of different producer areas for this stock. I think it's very important. Thanks.

CHAIR WOODARD: All right, we've sort of encroached in on our plan. Are there any other raised hands, Toni?

MS. KERNS: You have Tom Fote and then that's it.

CHAIR WOODWARD: All right, go ahead, Tom, I'll give you the last word on this.

MR. FOTE: Yes, I'm listening to Dennis and I'm listening to Joe, and that's my concern. We're in an expedited global warming concern. Every year the data seems to get faster and faster. Sea level rise in the last ten years is getting faster and faster every year that we pass by. When I'm looking at what's going on ten years from now, it might be that the Gulf of Maine is the major producing area for menhaden, I don't know.

I think we have to be adaptable enough to handle that. That is, I think more important to how we do spatial planning is how we do the spatial planning to basically handle the changes that are going to go on in the next eight years, because we all know there is going to be a drastic amount of change. We've seen the last 10 years or last 20 years, and seen what's happened since 1989 when I first started noticing global warming for the bluefish. It's now moving at a very fast rate. That's what my concerns are.

CHAIR WOODWARD: Yes, I think all of us share those concerns, Tom. I mean I've oftentimes described just population dynamics is trying to describe the shape of a lava lamp, it's constantly moving, constantly changing, in ways that we oftentimes didn't foresee or certainly didn't predict.

A good discussion, thanks everybody. Thank you, Matt, for helping lead us to a conclusion on this. We're going to take a break right now. We're going to reconvene at 2:40, then we'll start discussing the Update on the Draft Addendum I for Amendment 3. We'll see everybody back at 2:40.

DR. CIERI: Thank you, I'll be around if you need me.

(Whereupon a recess was taken.)

These minutes are draft and subject to approval by the Atlantic Menhaden Management Board.
The Board will review the minutes during its next meeting.

CHAIR WOODWARD: All right, I have 2:40. Hopefully everybody is back from our short break. Our next agenda item we've got a couple hours, and certainly if we need to carry that into our Menhaden Mortality Events, we can. But I would like to try to make progress, so just a few comments before I turn it over to Kirby, just to review what was said earlier at the beginning of the meeting.

What we want to do is provide an overview of what the PDT has done thus far, based on the work of the Work Group, which was great. It greatly helped the PDT focus in. The way they've got the document organized, you've got a statement of the problem, four for each topic, and objectives on how to address the stated problem. Then there is a series of questions pursuant to that. What Kirby is going to do is sort of go through it, and I want to focus on the problem statement in the objectives first. We can make sure that those come forth with the will of the Board, and the understanding of the Board that we can best equip. Kirby, are you ready to go?

PROGRESS UPDATE ON DEVELOPMENT OF DRAFT ADDENDUM I TO AMENDMENT 3

MR ROOTES-MURDY: I'm just going to get the controls squared away, so I can present to the Board, make sure that you guys can see my presentation all right. Good afternoon, everyone. I have a long presentation as Spud noted, to provide a progress update on the PDTs work in developing Draft Addendum I to Amendment 3, and to get Board guidance in continuing work on this Addendum, so please get comfortable.

First, I wanted to provide a brief background. The Board issued a Draft Addendum in August. The PDT was formed at the end of the month, and has met six times over the last two months. The Board Working Group report served as basis in developing management alternatives that the PDT has developed.

The PDT has encountered a few challenges, most notably time constraints, complexity of the issues to be addressed in the Board motion, and the need for the Board to provide further guidance. The PDT

developed a memo to highlight work done, and focus Board attention on areas for further development.

The three main topics that I'll be talking about today are allocation, incidental catch in small scale fisheries, and the episodic set-aside program. I wanted to make sure everyone is aware, as Chairman Woodward noted, the memo that he referenced was included in supplemental materials, and I will be referring to the document in page numbers throughout the presentation.

Specifically, the Plan Development Team had developed for each topic a statement of the problem, an objective to address that problem, initial management alternatives and goals, as well as key questions and recommendations. Today, the PDT is looking for the Board to confirm that draft statement of the problem and objective for each topic.

Consider the Plan Development Team's recommendations, and address the key questions that have been put forward in that memo. In terms of my presentation outline, I'm going to work through the memo today by briefly going through the current management program for each topic, then the statement of the problem, the objectives, the management alternatives, the Plan Development recommendations.

The Board can consider each of these issues in their entirety. At that point I'll take any questions from the Board overall on what I've presented thus far. Then we will revisit the topic for the Board to confirm under each of the three main ones I have mentioned, allocation, incidental catch in small scale fisheries, and the episodic set-aside, to get the Board to confirm the statement of the problem and objective, consider the Plan Development Team recommendations, and then provide answers to the key questions.

The first issue, allocation. Quickly I just wanted to make sure that everyone is going off of the same information to begin with. This is our current allocation from Amendment 3, and the formula is set out that each jurisdiction gets a 0.5 percent allocation, and then the remaining TAC, the total allowable catch, is allocated based on the three-year average of historical landings from 2009 to 2011. To help at this stage briefly, I wanted to remind the Board of general trends in recent landings.

On the screen right now is a table you've seen from a previous presentation I gave a few meetings ago, and is not included in the memo, but it highlights landings both before Amendment 3 was implemented, so from 2013 through 2017, and since 2018 through 2020. This information is based off of preliminary compliance reports.

I'll just note that there is one small change to this to what I had presented before, which is I have a percentage for New Hampshire's landings, and they've indicated that through 2020 that information is no longer confidential. An additional consideration that the Board has seen before is how quota transfers have changed over time, with changes in allocation.

You can look at the last slide, this has been presented and was included in the Menhaden Work Group report. Just to make sure people are aware of what they're seeing again, the gray cells indicate transfers that increase quota, and bolded cells indicate states that transferred quota every year since the implementation of Amendment 3.

For this first topic, allocation. The statement of the problem reads that the current allocations have resulted annually, and the TAC not being fully landed, while at the same time some jurisdictions do not have enough quota to maintain directed fisheries. Quota transfers alone are not enough to ameliorate this issue.

Some jurisdictions have become reliant on the episodic event set-aside program and incidental catch provision to maintain their fisheries, while

other jurisdictions regularly do not land their allocations. For the allocation objective to address that statement of the problem, allocations should be adjusted to align with recent availability, not long-term average availability of the resource.

Ensure jurisdictions can maintain directed fisheries with minimal interruptions during the season. Reduce the need for quota transfers, and fully utilize the annual TAC without overage. Again, both the statement of the problem and the objective for this topic, and the next few topics we'll get through, have been drafted by the Plan Development Team, and we're going to be looking for the Board to confirm that these match with what the Board feels are correct and needed.

In terms of the allocation management alternative, the Plan Development Team used the same two-step approach as outlined in Amendment 3. To first consider the fixed minimum allocation, and then second allocate remaining TAC made from timeframe. For the fixed minimum allocation, the PDT centered on two main alternatives.

First, reducing the fixed minimum and the current 0.5 percent between 0.1 to 0.3 percent for all jurisdictions. Doing so in combination with a more recent timeframe allocation would redistribute a latent quota away from jurisdictions not fully using their current allocation. The other idea is to create a tiered fixed minimum allocation. For example, Tier 1 could include jurisdictions landings 0.1 percent or less of the average coastwide landings. Tier 2 could include jurisdictions landing more than 0.1 percent or less than 0.2 percent of the average coastwide landings, and Tier 3 could include jurisdictions landing 0.2 percent or more of average coastwide landings.

In this example, percentages have been tagged so that Tiers 1 through 3 could be 0.01 percent, 0.2 percent, and 0.5 percent respectively. What it outlined on the screen is just an example, and

it's important to note that these breaks are arbitrary. If the Board is interested in this approach, the Plan Development Team needs guidance on what the criteria should be used to set these different tiers.

I'm going to outline each of the alternatives under this second step, again, which is considering the timeframe to allocate the remaining TAC. First is to use a longer time series average. This approach considers the broader landings history from all jurisdictions, including times higher and lower landings, incorporates more recent years in the timeframe.

However, this option could dilute more recent changes in the fishery, given the rate of change. The second is to consider a more recent time-series average. This approach reflects the most recent landings information, and is more likely to align with current stock distribution. The strategy does not take into account past landings that likely represent previous stock distribution.

The third would be to use a weighted allocation approach. This approach considered both recent and historical timeframes. Similar to the longer time series average approach, this may then dilute more recent changes in the fishery, given the later change possibly to a lesser degree, due to averaging over a few years.

Weighting of the time periods could be even, you know at 50/50, or uneven, either at 75/25 in either direction. The fourth is a moving average concept. This would utilize a three-year moving average lagged by one year, to allow finalizing the data in time to inform jurisdictions of their quota.

The 2019 through 2021 average was needed to set the 2023 allocation. This option would reduce the uncertainty the jurisdictional allocations provide as we currently have in Amendment 3, but could also alleviate the need to revisit allocations as often than you might be doing so with some of these other approaches.

I'll note that there are some key questions for each of these steps, the fixed-minimum allocation and allocating the remaining timeframe, that we'll get to later on in the presentation. Now I'll go through other allocation management alternatives listed in the memo. The pooled quota concept is where you would group jurisdictions that have small based fisheries, no directed fishery, no recent landings.

The benefit of this approach is that it could reduce the administrative burden on these jurisdictions, by not having them have in-season monitoring, and also by pooling them together like landings would be low to no allocation with an added buffer. The Work Group report proposed this strategy, but the Board had not expressed interest in moving away from jurisdictional allocation, so the Plan Development Team is looking for the Board to clarify whether this should be pursued further. The next two strategies are alternatives I'll go through briefly. A second-best year approach is trying to use a similar concept as the weighted allocation, but would utilize the jurisdictions best landings year from 2009 to 2020 to determine an allocation.

The idea behind this strategy is that it may be less of a controllable outlier than best year, and therefore better representative of current fishing needs. A period of high abundance or availability for a particular jurisdiction, could potentially coincide with restrictive measures for another jurisdiction, and vice versa.

It becomes very difficult to try to compare each jurisdiction's best or second-best year against each other over time. The other one is an open fishery approach, where the fishery would not have any set allocation for several years, and then based off of each jurisdiction's landings during this period, and allocations could be based.

This would include as an idea that the Plan Development Team discussed, because it was

initially thought that there could be some additional TAC, so to speak under the current TAC. You would still have recent years landings. But looking at the data further, we commented this was not truly a viable or feasible option, because of limitations in that cap.

The Plan Development Team recommends that both the second-best year strategy and open fishery not be included in that Draft Addendum. I just wanted to include for this presentation some of the timeframe allocations, in terms of what they would look like for the states. These tables I'm going to go through are on Pages 6 and 7 in the memo.

The first one is basically using our 0.5 percent base minimum allocation established in Amendment 3. Then combining that with different timeframes, you've got a longer timeframe, a slightly shorter but more recent timeframe, and then two more recent shorter timeframes. Towards the end you can see there are weighted allocations as well.

For Example, 2, so choosing the same 0.5 minimum allocation approach, but then is trying to use a three-year moving average. Again, this can be found on Page 7 in the memo. Then the last one that I wanted to highlight is just the pooled quota alternative, which again is found on Page 7, and just indicates what the pooled approach could look like for some of the more southern states.

In terms of recommendations, the Plan Development Team is highlighting that the tiered approach needs further guidance from the Board on what to set those tiers at. Additionally, we need to get clarification on whether to include a pooled quota alternative. When it comes to the weighted allocation idea, we need the Board to help us limit the number of weighted allocation options.

As noted, it could be 50/50, 75/25, or 25/75. Using one of those would likely to be best, to limit the universe of potential options. Then again, to not include in the draft addendum, a longer time series given its similarity to the weighted allocation approach, second best year strategy, and the open fishery, and then reallocate approach. That wraps

up allocation. The second issue topic is incidental catch and small-scale fisheries. I'm going to just highlight again for the Board, in terms of our status quo right now. After a quota allocation is met for a jurisdiction, the fishery moves to an incidental catch fishery where small-scale gears and non-directed gear types can land up to 6,000 pounds per trip, and up to 12,000 pounds for two authorized individuals working from the same vessel, fishing stationary multi-species gear.

This list of eligible gear types for both of these are listed in Amendment 3. To help in considering recent incidental catch, the Plan Development Team put the following table together to highlight the increase of landings attributed to purse seine. In 2017, which again is before Amendment 3 was finalized and since the 2018 through 2020.

Shown on the screen the percentage of landings coming from purse seine has increased to 88 and 89 percent in 2019 and 2020. Both this table and the next one I'll cover can be found on Page 11 in the memo. The table on the screen now show that that the total number of incidental landing trips per year, and by quota landings in pounds have incidental landings per trip.

The top row in the table shows the trips being by landings and pounds, so the 1,000 pounds from 1,001 to 2,000 pounds. Since the provision was first implemented under Amendment 2, at present the majority of their trips fall within 1 to 1,000 pounds, so about 56 percent. But since the implementation of Amendment 3, there has been a rise in trips landing between 5 to 6,000 pounds.

The greatest percentage of landings during this time period have come from trips landing this again. For the incidental catch, in terms of the statement of the problem. The PDT had drafted that the intent of this provision was to provide continued access for low-volume landings of

menhaden, once the jurisdiction's directed fishery was met.

In recent years availability at the northern end of the range has resulted in directed fishery quotas being met earlier in the year, coastwide landings under this category have exceeded a number of jurisdiction's directed quotas, and have ranged from 1-4 percent of the annual TAC. The Amendment 3 language has led to various interpretations, of which landings fall under this provision.

In particular, once a sector allocation is met or whether it's the full jurisdiction allocation that could be met. Without changes, landings under this provision may remain at high levels or could increase, which may jeopardize overall management objectives. The Plan Development Team has drafted the following objective to address that and it presents a problem, which is sufficiently constrain landings to achieve overall management objectives, such as meeting the needs of existing fisheries.

Reducing discard mortality by limiting eligible gear type, indicating which landings can occur, and those landings are not part of the directed fishery, and establishing trip and seasonal limits. To the incidental catch management alternative, the Plan Development Team focused on four sub issues based on the Work Group report. First adjusting which gear types are allowed to count towards the provision. One current alternative would eliminate purse seines as an eligible gear type, the other would remove small-scale gear types from the provision, and allow only landings from non-directed gear. The second sub-issue topic is the timing of when incidental catch can occur. Again, this is included given some states are entering into the incidental catch prior to their full allocation being met, which impacted the duration that landings were occurring in this category.

Some issue alternatives are trying to make the language more clear on when incidental catch can begin. The first to codify this incidental catch could occur after a jurisdiction sub-divided allocation, either by sector or fishery or gears is met. The

second alternative will clarify that the incidental catch and state can occur only after the full state allocation is met.

The third alternative is that once an entire jurisdiction's quota allocation is met, the management fishery for the jurisdiction will be closed, and no incidental catch would be allowed. The third sub-issue is the incidental catch trip limit. It proposes changes to reduce the annual volume of incidental catch.

The two alternatives under this sub-issue are to reduce the trip limit to either 4,500 pounds up to 9,000 pounds for two individuals, or 3,000 pounds and up to 6,000 pounds for two individuals. Using that same authorized individuals' approach is outlined in the Amendment 3. The Plan Development Team is looking for clarity from the Board on whether adjusting the trip limit is a priority, as it's unclear if these changes alone would result in significant reductions in landings.

The fourth sub-issue that the Plan Development Team developed is catch accounting. This strategy was highlighted in the Work Group report, and the PDT developed some alternatives on how this could potentially work. The first alternative would create a catch cap similar to that used in the American eel plan, but it would be equal to 1 percent of the annual TAC, with a 10 percent management trigger.

Landings as reported from compliance reports would be evaluated, and if the landings exceeded the cap by more than 10 percent in a single year, or exceeded the cap two years in a row, the Board would need to take action to reduce incidental landings. The second alternative will create an actual set-aside at the annual TAC similar to the episodic event set-aside program.

Landings under this provision would count against that set-aside, and if the set-aside is exceeded in a given year the overage would be deducted from the subsequent year's set-aside.

The third and fourth alternatives are the same two concepts that I just covered, but would apply only to the small-scale directed gear type.

In considering this sub-issue, the Plan Development Team recommends that it not be included in the Draft Addendum, due to the complexity of potential options about the goal of catch accounting could be achieved through a combination of reallocation alternatives, and other incidental catch sub-issues, such as gear restrictions with trip limits.

Since the Plan Development Team's recommendation is to summarize, clarify whether adjusting the trip limit is a priority, and also the PDT recommends not including catch accounting in the Draft Addendum. The third issues that I'm going to go through before we take questions is the episodic event set-aside program. As you all are aware, our status quo sets up a 1 percent of the TAC set-aside with episodic events defined as any instance for a qualified state reaches its quota allocation prior to September 1, and the state can prove the presence of unusually large amounts of menhaden in state waters.

Qualifying states include Maine through New York, and then there are additional provisions that limit how those states participating in the program do harvest. The Plan Development Team put together the following figure on the screen to highlight the availability of menhaden in the Gulf of Maine, using a combination of historical landings information, and the Fishes of the Gulf of Maine by Bigelow and Schroeder, as well as ACCSP records.

The number of consecutive years in either a high or a low category are labeled. For years between 1840 and 1949, which is the gray line in the first part of this figure, it is reconstructed from the description of menhaden occurrence in Fishes of the Gulf of Maine. The second portion is based off of ACCSP records of menhaden landings from Maine, New Hampshire, and Massachusetts.

Overall, what this shows is that there are extended periods of low and high availability of menhaden, without a clear pattern of when those shifts occur,

or when they will occur. Because of the statement of the problem the Plan Development Team had drafted, over 90 percent of the episodic set-aside has been utilized in all years since 2016.

With the increase in Atlantic menhaden in the northeast, the program has become a secondary regional quota for several jurisdictions. Their dependency on the episodic set-aside program highlights the mismatch between the biomass and current commercial allocation. The Plan Development Team has drafted the following objective, which is to ensure sufficient access to episodic changes in regional availability, in order to minimize in-season disruptions to reduce the need for quota transfers and incidental harvest.

When it came to developing management alternatives, the Plan Development Team has put forward the following, which first is the idea of removing the episodic set-aside program from the management program. While this was not strategy outlined in the Work Group report, the Plan Development Team wanted to include it for completing and eliminating the 1percent set-aside in combination with redistributing minimum allocation changes in the incidental catch provision.

It may address regional needs to still meet the landings and increase availability that have been seen in the area in recent years. The second alternative would be to increase the set-aside. The goal in doing this is that it may reduce the need for in-season quota transfers, or the reliance on Incidental and Small-Scale landings.

From this alternative there are really two main considerations the Plan Development Team is looking for feedback from the Board on. The first is how much to increase the episodic set-aside to. Currently, instead of 1 percent of the TAC, a preliminary review of landings data indicates that at least for Maine through Massachusetts, setting the set-aside at 3

percent of the TAC may have covered errant episodic landings plus quota transfers. But to address incidental landings in addition to that, a higher percentage above 3 percent would be needed. The second consideration is the source of increased set-aside. The Plan Development Team has set three approaches for supplying this increase that included either increasing the set-aside off the top of the TAC. Second is considering whether to allow or require relinquished quota to be redirected to the set-aside program, or utilizing latent quota for restructuring that fixed minimum allocation from the earlier allocation section.

The PDT also drafted other alternatives based on the strategy, listed in the Work Group report. They included adjusting the date, which unused set-aside gets redistributed back to the rest of the states. Consider additional restrictions on the participants in a set-aside program, and allow access at less than 100 percent of the jurisdiction's allocation being met.

In terms of Plan Development Team recommendations, they had recommended through all those additional alternatives that were outlined in the Work Group report not be included, given that they don't appear to be able to fully address some of the issues identified in the statement of the problem.

At this point, the Plan Development Team is looking to clarify the language on whether a state can apply to the episodic set-aside program prior to fully landing their allocation. I've gone through the three main issues, and tried to provide an overview of the management alternatives for this Draft so far. I'll take any questions at this point. Thank you.

CHAIR WOODWARD: Thanks, Kirby, great job at summarizing that. Obviously, the PDT has done the usual great work, and given us some clear statement of the problem, make a clear objective of obviously a suite of alternatives that we can consider. But I also want to make sure that folks understand that if you think there is something that they've missed, an alternative that we lack, that is certainly in bounds, and we'll get to that. But at

this point, you've got to raise your hand if you have questions for Kirby. Toni, you can give me the names.

MS. KERNS: Right now, I just have Ritchie White.

CHAIR WOODWARD: All right, go ahead, Ritchie.

MR. G. RITCHIE WHITE: I guess I have a concern on reading the objective, and then looking at the potential solutions of a quota adjustment. My question is, the objective to have the states have enough quota to meet their needs, their present needs, without using the small-scale fishery, the episodic event and transfers, so that's my first question. Then I would follow up if I could, Mr. Chair.

CHAIR WOODWARD: All right, Kirby, do you want to respond to that?

MR. ROOTES-MURDY: Sure, so again, the Plan Development Team drafted the statement of the problem and the objectives off of the Work Group report, and then trying to basically address/work with the issues that were identified through that. To that end, if you don't think that your concern is coming through clear enough in the current drafted language, that's what we want to get feedback on, and adjust it as needed, if there is Board consensus on that.

CHAIR WOODWARD: I will pine a little bit on it. I think yes, in a perfect world the goal would be to establish allocations that do meet the needs of the perspective jurisdictions, so that we do not have to depend on quota transfers and the other elements of the plan to just satisfy the needs of the jurisdictions. But we all know that obviously things are fluid, things change, and that we've got to have more than one tool in the toolbox. But you have got a follow on you were going to say?

MR. WHITE: Yes, given that answer, and that was my assumption of what the objective says. It seems to me that there are limited options if any options that provide quota to the New England states to the level at which they're presently harvesting. I could be wrong on that. But for example, New Hampshire harvested 1 percent in the previous two years, and we're over 1 percent this year.

There is very little, I think there is only one option in all of it that would provide 1 percent. I looked at Maine and Massachusetts and I think the same situation is there. That when you add up Maine's transfers, episodic event in the small-scale fishery, and their starting quota. I am not sure there is any option in there that comes close to that. That is my concern.

Given comment on the next couple of issues will be very hard for me, without knowing what quota you start with. Knowing whether we shrink or expand the episodic event will, I think we will need to know that this New England state have enough quota to harvest what they have been harvesting first, before we decide. Then yes, episodic can be X, Y, or Z. Thank you.

CHAIR WOODWARD: I think that's one of the biggest challenges that the PDT has faced, and certainly we think as a Board that there are these combinations that produce an if this/then that result, and it's very difficult to predict what all those combinations are. Kirby, would you like to comment back to Ritchie's concern about his projected allocation scenarios, based on the different alternatives?

MR. ROOTES-MURDY: Sure. I think maybe the best way I can put it; is we're going off of empirical information. What we've put together, in terms of potential alternatives is drawing from recent year's landings. You have up on the screen right now and also as I said in the memo, what the status quo allocation is, and what the allocation could be based off of timeframes.

While I hear Ritchie's concern that there is a mismatch currently between the allocation and

recent landings. There are alternatives in here that are trying to address that. There are additional combinations that you highlighted, Spud, of you better adjusting the episodic set-aside, or changes to the incidental catch provision.

These things could also further impact how this plays out. But we are trying to find a balance of what to base these alternatives on. If there are different ones, different percentages that the Board wants the Plan Development Team to consider, we need to get that guidance from them.

MR. WHITE: Mr. Chair, third follow up if I may. Sorry.

CHAIR WOODWARD: It's quite all right, this is complicated business. I certainly want to make sure we fully illuminate it through discussion. Go right ahead.

MR. WHITE: Would it not make some sense to ask each state for them to project what they are harvesting? Obviously, it may not be exactly precise. But then you could see how each state lines up with the projections in the chart list, I think. It almost seems like we're doing it backwards. We're trying to come up with some scenarios, as opposed to backing in from what the states believe they need. Thank you, that will be it.

CHAIR WOODWARD: Yes, I think we're sort of looking at a what do we want/need approach, versus what have we always gotten. Kirby, what are your thoughts about that, in terms of if each jurisdiction was queried as to what their desired allocation was? Probably even need more than 100 percent. How could that be useful in interpreting these various alternatives here, and helping the Board give the PDT guidance on where to focus its efforts?

MR. ROOTES-MURDY: I think this actually speaks well to the problem we ran into, in trying to evaluate the best year approach that

kind of supported the work group report, which is that if you just go off on the best year of each state, then you would get over 100 percent, so to speak. That's where I think it becomes problematic.

Ritchie's question on projecting landings. I think there would be a number of follow up questions of what you were asking to project. What I have up on the screen right now is average landings once a 0.05 set for a 0.56 minimum, so this is showing for comparison purposes what your status quo allocation is, again alternatives so you can draft it up based off of recent years information.

Again, if there is interest in pursuing other ideas, we would need to know what they would be based off of, and if there is going to be projections, what they would be projecting out. Are we talking about just 2021 landings? Are you talking about projecting out previous years or future years? There would be a number of, I think kind of follow up questions to try to better understand what that idea is trying to get at.

CHAIR WOODWARD: Also, isn't it correct to say that if for instance the Board agreed that it wants to examine the pooled for a concept, and you had it on illustrations where you had it for some of the states. That would obviously affect the percentages in this table, you know in terms of what could be redistributed. Is that right?

MR. ROOTES-MURDY: Yes, exactly. That plot, I moved further down, and since there are different alternatives that have been considered, the pooled approach up on the screen right now shows slightly different allocations, when you combine those four states below, North Carolina through Florida into a regional approach.

Again, this is just off of the Plan Development Team discussions. If there is an interest in pursuing this, we would also want the Board to kind of codify this. It would make sense to have those four states in a region, or if there are other pooled approaches, or other parts of the coast that the Board would want to see that, we would want to get that information.

Draft Proceedings of the Atlantic Menhaden Management Board Webinar
October 2021

CHAIR WOODWARD: I'm not exactly sure what to do with that one right now, but any additional questions?

MS. KERNS: We do, we have Emerson Hasbrouck, John Clark, and then Lynn Fegley.

CHAIR WOODWARD: Go ahead, Emerson.

MR. HASBROUCK: I have two questions, one of which was just kind of partially answered by Kirby. For the tables that were in the document, one of which you have on the screen right now, as well as the other ones. Let's see, you go to what was Table 1. Is this what was Table 1 in the document, in the memo?

MR. ROOTES-MURDY: Yes, I had them up on the screen.

MR. HASBROUCK: Okay, so for this table then, the allocations are in all the different columns, other than status quo, are based on an initial allocation, which is then modified, but was actually landed in the state in those different timeframes? Is that correct or incorrect?

MR. ROOTES-MURDY: Yes, for comparison purposes this table shows what using a 0.5 base minimum allocation is in combination with more recent timeframes. Status quo is 0.5 plus the three-year average of 2009 to 2011. So, 2009 to 2020, that column is showing what a 0.5 base allocation is with that timeframe, in terms of each states landings as a percentage.

MR. HASBROUCK: Right, the actual landings.

MR. ROOTES-MURDY: Yes.

MR. HASBROUCK: Right, okay. Then my second question in a way was kind of similar to what Ritchie was getting at. At the beginning of your presentation, you showed a table that was not in the meeting materials, it came from, I guess some place else, that showed, I think percentage of TAC for each state over different

time periods. Was that what it was? It was only up on the screen for a short period of time.

MR. ROOTES-MURDY: Yes, I included this table in a previous memo for the Board. It just shows based off of compliance report data what percentage each state landed in recent years of the coastwide total.

MR. HASBROUCK: That includes from all sources, so that's landings in the directed fishery plus incidental landings, as well as episodic events? Is that correct?

MR. ROOTES-MURDY: Correct.

MR. HASBROUCK: I'm looking at New York, for instance, right. New York had 0.69 percent allocation. But if we go all the way across to 2020, New York actually landed 1 percent of the coastwide landings from all three sources, right, initial allocation, incidental catch and episodic, although I don't think New York was in episodic in 2020, but for any state it would be from all three sources, is that correct?

MR. ROOTES-MURDY: Correct.

CHAIR WOODWARD: Okay, John Clark. I think you're up next, and then Lynn.

MR. JOHN CLARK: Thank you for the very thorough presentation, Kirby. I'm just curious as to if the PDT had considered lower minimums for minimum allocations, because the state that actually has a small menhaden fishery, even 0.1 percent is, if my math is correct here, you're still looking at what about 400,000 pounds of quota. Did you consider having like a 5/100ths of a percent minimum, or even lower?

MR. ROOTES-MURDY: As I said, we had the idea of going below 0.5 as your fixed minimum to 0.1 through 0.3, and looked at some different combinations of that. Then the other idea was to have a tiered approach, where you could have as low as a 0.1. We haven't explored anything less than a 0.1. If there is interest in the Board wanting to pursue that, we want to get that on the record,

and so we could pursue it further. But right now, that was the range, our status 0.5.

MR. CLARK: As I said, some of the states like not to pick on Pennsylvania, but obviously they're not going to land half a percent, they're not even going to land 100th of 1 percent. It just seems like maybe we do have a little more flexibility. I know that's not going to create a lot more quota to allocate to other states.

But I think you know as we've seen since we did a minimum allocation of half a percent to every state, that it results in a kind of complicated system of either transfers or giving up quota before the fishing year starts. You know again, just to tie it in more with what is actually being caught. Thanks.

CHAIR WOODWARD: John, are you recommending that that be considered by the PDT that this first tier it says 0.1 percent or less. Is that they explore the less part of that?

MR. CLARK: I would suggest exploring the less. As I said, we do have a fishery, we have landings every year. But the half percent, that's why we relinquish most of our quota every year, because we're never going to land it, and we would like to see it go to states that need the TAC.

CHAIR WOODWARD: Let me ask one more question, just to make sure I understand it right, maybe this will help both Kirby and I get this straight, leads to that. Right now, that is included in the fixed-minimum tier approach. Would you like for it to stay there, and we get a little bit ahead of ourselves, or are you really talking about maybe it even being included in the step above it, where it says reduce fixed minimum allocation. That that 0.1 percent actually be less than 0.1 percent.

MR. CLARK: Yes, thank you, Mr. Chair. I would like to see whatever we consider for a fixed minimum is to have it less than a tenth of a percent, because I think less than a tenth of a

percent would take care of several of the states, and the fixed minimum tier I think is a great idea to have, depending on what the states actually catch. Anything that would free up the TAC, so it doesn't have to be transferred or relinquished, I think reduces bureaucratic burden, and also makes sure that the TAC goes to where it's most needed.

CHAIR WOODWARD: All right, Lynn, you're next.

MS. FEGLEY: Thanks, I actually think I'm out of order. I don't have a question. I'm assuming we're going to go through these issue by issue, right? We're going to have to get feedback.

CHAIR WOODWARD: This is just questions to make sure that we sort of understand what the PDT has brought to us, and then we're going to have to go back and nob deeper into each hole.

MS. FEGLEY: I'll hold then, thank you.

CHAIR WOODWARD: Toni, any other hands up?

MS. KERNS: One last hand, Conor McManus.

CHAIR WOODWARD: Go ahead, Conor.

MR. McMANUS: Just a quick question for Kirby. I guess given where we are at now, with timelines and those things in the document. Has there been discussion about including 2021 landings in this? I only ask in the context of how fisheries may have been impacted by 2020, as well as trying to get the most up-to-date perspective as to where states given fisheries are. I understand jobs come as well; I'm just trying to think in the context of states that may have 2021 landings that are better reflective of their fisheries. Thanks.

MR. ROOTES-MURDY: The Plan Development Team has not discussed that. If there is interest by the Board, and you wanted to use 2021 landings information, I would just offer maybe a couple considerations. Right now, in terms of the alternatives that have been drafted, especially for the allocation section, have been crafted using validated landings from ACCSP.

That matched in with that basis the jurisdictions to get confirmation of it's the best to terrible data. If there is interest in using landings information through 2021, then we may be dealing with a longer timeframe to get this Addendum completed. Compliance reports are due by the spring, the Board reviews them, so there would be probably at the earliest, if there was an interest in just using compliance reports data, the May meeting.

But even then, at our spring ASMFC meeting would be challenging. I would just offer that if there is an interest in looking at 2021 data, keep in mind that it would change the timeline of when this Addendum could be finalized for public comment or for the Board's review, to consider public comments on.

CHAIR WOODWARD: Yes, that's a good point, Kirby, and just to make sure I'll reiterate what he said, just to make sure everybody understands that. We're on a timeline for any changes that result for final approval of Addendum I be effective for the 2023 fishing year. If we do make a decision that we want to include 2021 landings information in the analyses, then I guess it could potentially jeopardize our ability to have the results of the Addendum affective for the 2023 fishing year. Is that a fair statement, Kirby?

MR. ROOTES-MURDY: Yes.

CHAIR WOODWARD: Any other hands up, Toni?

MS. KERNS: David Borden.

CHAIR WOODWARD: All right, go ahead, David.

MR. DAVID V. BORDEN: Kirby, under de minimis, what does a state qualify for, for landings? How many pass?

MR. ROOTES-MURDY: That's a good question that I don't know off the top of my head, but give me a minute, I'll double-check.

MR. BORDEN: You don't need to answer immediately, but I'm just following up on the point that John Clark made. I may want to discuss that when we get to the next phase, Mr. Chairman.

CHAIR WOODWARD: Any hands up, Toni?

MS. KERNS: That's all, Spud.

CHAIR WOODWARD: All right, Kirby, are you ready to move on to the next phase of this?

MR. ROOTES-MURDY: Sure thing, just one note for de minimis. To be eligible, state-to-state landings must be less than 1 percent of the total coastwide base landings for the most recent two years.

CHAIR WOODWARD: Any follow up on that, David Borden?

MR. BORDEN: Not now, Mr. Chairman.

CHAIR WOODWARD: All right, Kirby, proceed.

MR. ROOTES-MURDY: Okay, great. What we are going to do now is revisit each of the topics that I went through, and we're looking for the Board to confirm the statement of the problem and objective, and consider the Plan Development Team recommendations and provide answers to some of the key questions that were posed in the memo.

On the screen for the allocation topic, I put basically the statement of the problem bullet. If you're looking for the exact wording, it is on Page 2 in the memo, and again what we're looking for is for the Board to confirm that this is addressing, really the issues that the Board feels are key in being identified with this issue into the fishery. When it comes to the objectives, again, we are listing out what we, the Plan Development Team based off of those issues, identified in the Work Group report, seen through the old "need to be addressed" through the management alternative. As a way of kind of checking to ensure that the alternatives that have been drafted up are addressing the statement of the problem.

We are trying to check those against this objective. For allocations, whether those allocation alternatives align with the recent availability of the resource, ensure jurisdictions can maintain their directed fisheries with minimum interruptions, reduce the need for quota transfers, and deploy/utilize the annual TAC without overages.

CHAIR WOODWARD: Let's go back, let's kind of work through this. Please, go back to the statement of the problem, and we'll sort of work our way back down. Is there anyone that feels like this statement of the problem needs to be modified, does not adequately capture the issue? We could probably wordsmith to minutia all day, but if you've got strong feelings that this needs to be modified, please raise your hand. Any hands, Toni?

MS. KERNS: I have one hand, Lynn Fegley.

CHAIR WOODWARD: All right, go ahead, Lynn.

MS. FEGLEY: Yes, just really quick with this first bullet. States do not have enough quota to maintain directed fisheries. I wonder if an important part of that has to do with maintain current directed fisheries, because as a Board, I wonder if it is our intention to always ensure that states can maintain directed fisheries that are not limited in capacity.

You know if they have fisheries that are able to grow through the roof, for whatever reason or another, and that's a little bit of a different issue than maintaining sort of the current infrastructure. I just throw that out there, because I think there is a nuance there that is pretty important.

CHAIR WOODWARD: It's sort of like art, it's in the eye of the beholder. What you're proposing is basically insert the word current directed fisheries, and that would imply that it was current at the time that the, I guess the Addendum was adopted. Is that correct?

MS. FEGLEY: That's what I'm thinking.

MS. KERNS: Chair, you have Joe Cimino and Emerson Hasbrouck.

CHAIR WOODWARD: All right, go ahead, Joe.

MR. CIMINO: I appreciate all the PDTs work on this, but I think just saying that we need to get allocation right based on current availability makes me a little nervous, although it's obviously an important consideration. There are other reasons why the TAC wasn't being utilized, and tied up a lot of quotas, in places that didn't have any fisheries. We heard a public comment today that talked about markets, and the fact that they can no longer sell fish as easily as they used to, because other states are simply catching their own quota. We've had discussions on what do states need. Well, we've done some very tough reallocations for other species, and we didn't get to just base it on what we needed. I think there needs to be some sort of socioeconomic considerations to all this as well.

CHAIR WOODWARD: Emerson.

MR. HASBROUCK: Relative to the suggestion that Lynn just made. I would suggest that we want to maintain current fisheries, not necessarily current directed fisheries, right? Because some of our current fisheries come under the episodic catch, as well as the incidental catch. I know we're going to be talking about incidental catch in a few minutes, but incidental is not necessarily directed.

What we want to make sure is that the states have enough to cover their current fisheries. Similar to the question that I was asking previously about the table that was on the screen, those percentages that each state caught were from all three sources, right? The directed fishery, the incidental catch, and the episodic catch. I know we don't have a motion here, and I think you're probably trying to go through this without motions. But I would rather see enough quota to maintain current fisheries, not necessarily directed fisheries.

CHAIR WOODWARD: All right, yes. I think one of the things also with this, that is confusing about this, is we've got a situation where the TAC, it says here the TAC not being fully landed, but then the incidental catches don't count against the TAC, or they've been made a matter of record, in terms of what the jurisdiction has landed. But they're not counted against the TAC.

Well, that's another sort of peculiarity of this. I think that it makes this problem statement a little bit difficult somehow. What we've had is a suggestion basically replacing the word directed with the word current, to encompass all of the sources of the landings. Is there any, well before I ask that, I guess are there any other hands up, Toni?

MS. KERNS: We have one hand, Ritchie White.

CHAIR WOODWARD: Go ahead, Ritchie.

MR. WHITE: Just quickly, I support either of those changes, Lynn's or Emerson's. Thank you.

CHAIR WOODWARD: All right, in the interest of moving forward, is there any heartburn or opposition to replacing the word directed with current fisheries in this statement of the problem? If so, raise your hand and state your reason. Any hands, Toni?

MS. KERNS: I don't see any hands.

CHAIR WOODWARD: Any other concerns about the statement of the problem? Any hands? Okay, Kirby, I think we've got concurrence on the statement of the problem, if you want to move on to the objectives slide. Okay, the same process here. We want to hear input from the Board on the language of the objectives here. This is an opportunity to interject. Do you like it, not like it? If you don't like it, what would you like to see changed? All right, Toni, any hands?

MS. KERNS: No hands, Spud.

CHAIR WOODWARD: All right, then we're going to consider that good to go. All right, Kirby.

MS. KERNS: Slow hands today, I guess. Lynn Fegley, followed by Adam Nowalsky.

CHAIR WOODWARD: All right, go ahead, Lynn.

MS. FEGLEY: All right, Mr. Chair, I was trying to count to ten, so I wouldn't be the first hand. I just think that first objective is a little dangerous. I think it would be better served to just add the word better in front of align. I think it's important to add that caveat that we need to consider infrastructure and past fishery performance. I don't think we can turn our back, given the way this stock moves up and down, I don't think we can turn our backs on stuff that's happened in longer term history.

CHAIR WOODWARD: All right, so you suggested putting the word better in front of align. What else would you like to do?

MS. FEGLEY: I would suggest adding the word better at the beginning. I would suggest striking what's in parentheses, and adding while considering fisheries infrastructure, oh while considering existing infrastructure and past fishery performance.

CHAIR WOODWARD: All right, Kirby, are you getting that?

MR. ROOTES-MURDY: Yes, I'm getting that down, and I'll be sure to return to these proceedings and make sure we've got a couple things.

CHAIR WOODWARD: Go ahead, Adam.

MS. KERNS: Adam, why don't you hang up and then call back in, and then we'll come back to you.

MR. ADAM NOWALSKY: I just got a note that I was unmuted by organizer, and that allowed me to be unmuted.

CHAIR WOODWARD: Go ahead, Adam.

MR. NOWALSKY: Regardless of the technical challenges, thanks everyone for your help. My comments were going to be the same as Lynn. I think she did a great job of answering them. Lynn, if you count to eleven next time I'll save you the trouble, but I share Lynn's concerns, and echo her recommendation. Thank you.

CHAIR WOODWARD: Any other hands, Toni?

MS. KERNS: Nichola Meserve and then Chris Batsavage.

CHAIR WOODWARD: All right, go ahead, Nichola.

MS. NICHOLA MESERVE: I also support Lynn's revisions there, and wanted to let you note that we are using landings as a proxy for availability in the options that look at the allocations. The landings are really a product of availability as well as the effort, which is controlled by a number of factors. While I'm not suggesting that the objective statement here needs to change, but I think it may be important somewhere within the Addendum to recognize that landings do not equal availability, without considering some other factors as well, like effort.

CHAIR WOODWARD: Good point, good point. All right, Chris, go ahead.

MR. CHRIS BATSAVAGE: I was just thinking about the discussions we had about the statement of the problem, looking at the second objective. Should we replace the word directed with current, to make sure that we're kind of capturing the whole range of fisheries that are seen in the different states, or is this a little different issue than what we were talking about under the statement of the problem?

CHAIR WOODWARD: No, I think that's a good catch. I'll defer to Kirby. Perhaps we're mixing things here, but I think yes, consistency between the statement of the problem and the objective in describing that would be prudent, so we would be replacing the word directed on

the second bullet with current, so it would say, ensure jurisdictions can maintain current fishery with minimal interruption during the season. Do you see any issue with that, Kirby?

MR. ROOTES-MURDY: The only other consideration with this is, you know when we talk about directed fisheries we're talking about a state landing under the allocation, and the previous from the statement of the problem, people were referring to fisheries that are occurring kind of outside of the allocation, either incidental catch, small-scale fishery.

That's just the main consideration is, if there is interest in wanting to for consistency between the two, I get it, that makes sense. But what we're trying to address with allocation then in this section is it goes to things that are being applied to the states, their landings being applied to the state's quota. That's that distinction.

CHAIR WOODWARD: Yes, I can see where it might be a bit confusing. Does anybody else have an opinion on this? This is sort of a predicament of wordsmithing things.

MS. KERNS: I have Lynn and then Emerson.

CHAIR WOODWARD: All right, go ahead, Lynn.

MS. FEGLEY: I think Chris is right. I think it should change, and I sort of understand the confusion about incidental versus directed. But the bottom line is, right now that we don't know, you know what is going to be the fate of all these different tools. Right now, those tools are in place, in order to allow these non-directed multispecies gears to continue fishing with minimal interruptions during the season. I think that is what we want to do for our fisheries, and the tools that we use to get there, if it's these tools that sort of allow the allocation to flex up and down the coast during the course of the season, so be it. But I think the overall objective is current fishery.

CHAIR WOODWARD: All right, Emerson.

MR. HASBROUCK: I agree with Lynn and Chris. I think we need to change that. Also, for incidental catch. Incidental catch in small scale fishery, so some of those small-scale fisheries may at some time, I'm going to say be directing on menhaden, because the catch that day just happened to have more menhaden than other species, a pound net on a beach head, for instance.

In those cases, it was landed under the incidental small-scale, but perhaps just because the states quota allocation had been met. Yes, depending on what happens with small-scale and incidental, we may want to maintain what our current fisheries are, as I mentioned before in the statement of the problem.

CHAIR WOODWARD: Does anybody have heartburn on replacing the word directed with current, in Bullet Number 2? If so, speak now, or forever hold your peace.

MS. KERNS: No hands, Spud.

CHAIR WOODWARD: All right, very good. Okay, any further comments on this objective, if not we'll move on. Okay, move on. All right, Kirby.

MR. ROOTES-MURDY: Okay, so next we wanted to get the Board's feedback on the Plan Development Team recommendations, in particular the tiered approach. We need guidance in setting those tiers. Clarify whether a pooled quota operative should be pursued. Get agreement from the Board on whether to limit the number of weighted allocation options, and not include in the Draft Addendum the following. A longer time-series average for allocating the TAC, second best year strategy, and the open fishery and then reallocate.

CHAIR WOODWARD: All right, okay let's sort of work from the bottom up here. We've got the PDT has recommended that we not include some alternatives in there. Is there anyone that would like to speak in the favor of keeping those in? If so, please raise your hand.

MS. KERNS: Megan Ware has her hand up.

CHAIR WOODWARD: All right, go ahead, Megan.

MS. MEGAN WARE: I would speak in favor of keeping the second-best year strategy. At this point my understanding is that a lot of that analysis has been completed. I would kind of hate for the Board to throw out that option, without actually seeing the numbers, if the numbers have been run.

My suggestion would be that we see those numbers, and if next Board meeting, we don't like them, then we throw it out. But if the work's been done, I think it's prudent to at least look at those numbers. I think there was a comment earlier about effects of 2020 on landings. I think that's why this option is attractive for me, is that I do think that there were some states that had detrimental effects from COVID on their fisheries. There were other states where that had no impact. But if we are using a more recent time series for allocation, those impacts are going to be incorporated in a state's allocation. You kind of get around that issue with a second-best year strategy, where if a state did have detrimental COVID impacts, that likely it wouldn't be their second-best year of landings. To me, I would keep that one in.

CHAIR WOODWARD: Kirby, what Megan said about the analysis largely being done. If that's correct then it really wouldn't be that burdensome at this point to leave this in.

MR. ROOTES-MURDY: Yes, we've had three together, four together.

CHAIR WOODWARD: Okay, so we've kind of voiced some support of keeping the second-best year strategy in. Anyone else supportive of the other two that are under that last bullet on the slide?

MS. KERNS: I have Rob LaFrance.

CHAIR WOODWARD: Go ahead, Rob.

MR. LaFRANCE: I just want to support Megan on this. I think she raises an interesting question here

about what the second-best years actually look like. Listening to some earlier conversations, it may be also helpful for us to understand what states really want, based upon their second-best year. I think this is important for us to take a look at.

CHAIR WOODWARD: Anybody just adamantly opposed to including that at this point? If so, raise your hand.

MS. KERNS: I don't have any hands, Spud.

CHAIR WOODWARD: All right, then we'll leave it on the list. All right, well let's work our way down from the top. We've got the tiered approach. Kirby, we may have to bounce back with some of that other reference information as we talk about this. How does everybody feel about that one, in terms of leaving a tiered approach in? If so, we need some feedback on setting the tiers.

MS. KERNS: You have Lynn Fegley and then Megan Ware, and then Nichola, and then Conor.

CHAIR WOODWARD: All right, sounds like the Partridge family. All right, go ahead, Lynn.

MS. FEGLEY: I feel like I'm in a Suzy R. adventure novel here. I think I would support leaving the tier in, but I would suggest that it be simplified, in that there only be two tiers, and that there be a tier for the "no harvest" states. I think there is three of them, and they get a tier of the 0.1 percent or less, and then everybody else gets an equivalent fixed minimum that's maybe between 0.3 and 0.4 percent. That would be my suggestion, and not try to play the game of setting criteria to fit states into three tiers.

CHAIR WOODWARD: All right, Megan.

MS. WARE: Yes, I mean I would be interested to see what one's approach shows. I think one of the questions was, you know what criteria do we use for this, or for size average landings and

something that I would recommend considering if we stick to that three-tier approach would be, not just the average of landings, but the variability of those landings from year to year.

Because I think a state who is really consistent in their landings, they are going to feel a different impact of a lower fixed minimum than a state, who maybe have a low average, but has quite a lot of variability in their landings. I would throw that up there for a PDT consideration.

CHAIR WOODWARD: Okay, Nichola.

MS. MESERVE: I think Megan kind of stole my thunder on the concern about using average landings, and instead looking more at a distribution of the landings, at the frequency distribution of landings for assigning the tiers. I'm also interested in what Lynn suggested, and that really highlighted for me, that I think this tiered approach is the way that the Board needs to be moving forward.

I don't think that there is a single fixed minimum that is really going to achieve the objectives that we've set for ourselves here, and I'd be willing to simplify the document by focusing on the tiered approach, as opposed to just a single tier for all states that is different from the 0.5.

CHAIR WOODWARD: Conor.

MR. McMANUS: I guess I would just stress that as a state that is primarily operating on the fixed minimum. I just wanted to stress that while reducing that may have benefits. I think it does, especially at the coastwide level, and I think it will make it challenging for some states to be able to maintain their current fishing, which I think as we discussed prior to the objectives of the Addendum, to reflect current harvesting, and the availability of the fish.

I know there was discussion earlier about even going lower in options, but I guess if they were going to be looking at concerns as lower than what was presented by the PDT, I would also then suggest looking at even more of a gradient across

the fixed years, across the minimum. I guess just kind of stressing to the fact that with the minimums where they are now, for fisheries that are operating off that.

Significant reductions to that for an active fishery could have ramifications in their ability to operate. At that 0.5 percent, you're already operating on a rather small quota with an active fishery. I just wanted to stress that. I understand the goal is to try and reallocate where we can, where there aren't active fisheries. But I just wanted to stress that some significant reduction could actually go against some of the goals of trying to maintain some of the active fisheries in the region.

CHAIR WOODWARD: Kirby, have you got all this?

MR. ROOTES-MURDY: Yes, I'll just highlight, you know part of what we're trying to get to with this memo is honestly just trying to remove items that are not helpful, and further develop items that are. What I'm hearing is an interest in further pursuing the tiered fixed minimum approach. But I heard two different approaches for that.

I heard Lynn suggested two tiers, and I heard Megan and Nichola suggest a three-tiered approach, and then I heard Conor offer up an additional level of what that minimum is should be considered. I would just maybe reiterate to the Board something that I started to talk about at our last meeting, and I think I'm going to be harping on over the next few Board meetings, which is we want to make sure this document is addressing what you guys want it to, and providing all the options you are hoping for.

But do keep in mind what the benefit is in having these slight modifications to alternatives that are being brought up. Is there true benefit in looking at the slices of a percentage? I want to get clarity that we are to develop at least two alternatives that have different tiered

approaches, one being two and the other being three.

But I would ask if there is interest in pursuing more than that, what the benefit of that is, and maybe the other point could bring out this. Nichola, I think had mentioned an interest in moving away from the uniform fixed minimum, and if there is interest from other Board members to pursue that, and just focus on this tiered approach, we can do that.

CHAIR WOODWARD: All right, thanks, so let's address that question. We've got interest in this tiered approach. What is the Board's sense on, is this thing going away? As Kirby said, going away from the fixed minimum, and going to this tiered approach, in whatever form it may actually take place, and that's we might have some alternatives that will be analyzed, and we'll have to evaluate. But is there a strong, I guess majority feeling of abandoning the fixed minimum in favor of this tiered approach? I would like some feedback on that, please.

MS. KERNS: I have Justin, Dennis and then Lynn.

CHAIR WOODWARD: All right, go ahead, Justin.

DR. DAVIS: At the beginning of today's meeting, I was sort of ready to advocate for getting rid of the option for a tiered approach, and just leaving in the option for settling on one fixed minimum allocation. I think at this point I've been swayed by the discussion that it's unlikely that we're going to be able to find a single fixed minimum allocation that's going to sort of meet these competing goals of sort of freeing up latent quota.

But at the same time providing a minimum allocation that's large enough to allow states that are operating a fishery under that allocation to continue to do so. I think I've come around to favoring getting rid of the single-fixed default minimum allocation approach in favor of a tiered approach. But I really liked what Lynn suggested.

I've sort of felt like trying to come up with a three-tiered approach for the minimum allocation is just

trying to split things too fine, and allocating too much effort into making a decision that ultimately may not have a lot of impact. I kind of like the compromise of settling on a two-tiered approach, where you have one tier for states that do not have a history of harvest, then another fixed minimum for states that do. At this point I would be in favor of going with the tiered approach, but trying to keep it simple, and maybe just having two tiers.

CHAIR WOODWARD: All right, Dennis.

MR. ABBOTT: A question I would have for Kirby and an answer might be enlightening for everyone else. When we talk about the tiered approach, what percentage of the total TAC are we talking about, percentage wise? It seems to me that we're talking about dividing up crumbs. You know fooling around with a tenth of a percent, one tenth of one percent and whatever numbers you want to attach to it.

It doesn't seem to me to get us to the real problem. I think I can use Maine as an example. They obviously have an availability of menhaden, and they have a need for menhaden, and therefore they should have a quota that goes along with that, instead of the piecemeal approach that we're taking.

I can understand that states do not want to give away some amount of their quota. We need a system that is more flexible in some way, that allows say your state, Spud, if menhaden show up and there was a fishery to be had. You should have access to that fishery, and I don't think you want to relinquish that. That goes the same with any of the other states.

The real gorilla in the room is the fact that there is one or two states, two states we'll say, that are now have allocated to them 85 to higher than that, 87 percent of the total quota, while we sit here and argue about how we're going to divide up the remainder, the 12 percent between another dozen states. The whole thing just doesn't make sense.

Years ago, when we came up with a half a percent, if I recall, to each state. That was a compromise. That was buying votes. We came up with that number so that people would find a number that they could support. Whether they were going to use it or not, but that carried the day some years ago. I don't know where we're going, but I know that right now we're talking fighting over crumbs, and we're not really being realistic what the needs of the states are, and their entitlement to a fish that lives in the ocean.

CHAIR WOODWARD: I think when we set those minimum quotas before, we sort of put ourselves on the path to where we are now. Which is, we set expectations, and now we're trying to reconcile expectations to reality. Lynn, go ahead.

MS. FEGLEY: I'll just say, you know we are fighting over crumbs, but they are incredibly important crumbs. I think what two tiers does, is it allows the states with no harvest access to the fish. If they have some bycatch or some occurrence, they will have access to the fish. It does provide several percentage points back to divide up.

That fixed minimum does provide flexibility, because it serves as a buffer if the fish arrive in your state, and suddenly you have a few more fish than the allocation scheme would project you to have. Like to Conor's point, this does allow their fisheries to operate. You know I think that the two tiers just take that decision that was made for Amendment 3, and just fine tunes it a little bit to be more appropriate from state's needs. In that second tier, that fixed minimum for the states who harvest.

You know there can be a range, it can go back up to 0.5 percent. You know that number I think is open for debate. But I do think this idea of trying to divide it into three tiers is going to be difficult, trying to explain that to the public, and one more thing to frankly fight over.

CHAIR WOODWARD: We've had some discussion in advocating for narrowing it down one tier for further consideration. I guess, Kirby that would be

helpful. I assume if that is the will of the Board to narrow it down to that?

MR. ROOTES-MURDY: I mean I've heard an interest in moving forward with at least a two-tier, and then obviously a three-tier. To Dennis' earlier question, 8 percent of the TAC is tied up in this fixed minimum approach. What would be helpful is, if there is interest in pursuing this tiered approach.

I would like to get confirmation that we would drop out the kind of uniform fixed minimum approach, which is also in the memo, because I want the Board to be conscious of the universe of alternatives that are potentially going to be drafted up further. You know you are kind of adding more things in, but not really removing anything.

CHAIR WOODWARD: Back to that question that I asked. Is there anyone that feels strongly that we need to continue that fixed minimum alternative? Any other hands?

MS. KERNS: No hands.

CHAIR WOODWARD: Kirby, I'm going to take that as the will of the Board to delete that from further consideration, and to focus on the tiered approach.

MR. ROOTES-MURDY: Okay, got that noted. Then earlier I asked, based off of feedback from Lynn, Nichola and Megan, I have some guidance on generally where to try to draft those tiers up. The other question for the Board is whether to continue having a pooled quota alternative in this Addendum moving forward. The other question for allocation that's key is, limiting the number of weighted allocation searches.

CHAIR WOODWARD: All right, so let's take the pooled quota alternative first. Is there interest in further pursuing that one as an alternative? I know there are a lot of questions that arrived out of that. As one of the states that were

included in that scenario, we have to have agreement amongst ourselves that if one of those states wanted to harvest menhaden, we all have to agree. Then if we wanted to do a transfer, we would have to do an agreement on a transfer out of our pooled quota. There is some, the devil is in the details, but I'm still at this point neutral on it. But I would like some feedback from the Board.

MS. KERNS: I have Joe Cimino, Mel Bell, and then Ritchie White.

CHAIR WOODWARD: All right, go ahead, Joe.

MR. CIMINO: Only fitting my hand is up first. I kind of brought this to the PDT through the Work Group. PDT didn't have much time to get us all of this information that they have provided, and I think you have a lot of questions for good reason. This was a thought process that we really aren't there yet, and I don't think needs to be a part of this. You know maybe sometime in the future it's a discussion. We're supposed to look at reallocation every three years, but I feel comfortable with having it dropped at this time, thanks.

CHAIR WOODWARD: All right, Mel.

MR. MEL BELL: I originally thought that was kind of an interesting concept, but then kind of like Joe was saying, I got to thinking about it. It seems like it could be administratively burdensome and a little more complicated. At this point, I think we could find something to live under, but go ahead and just delete that one, set it aside. First it had some appeal, but then I got to thinking that the devil is in the details and there are probably too many details to deal with.

CHAIR WOODWARD: All right, Ritchie.

MR. WHITE: I agree, it should be taken out, too many potential issues that I can see.

CHAIR WOODWARD: Any comments in support of keeping it in?

MS. KERNS: I'm not sure if they're in support, but David Borden has his hand up, and then Cheri Patterson also.

MR. BORDEN: I agree with all three of the prior speakers. I just see this as the administrative burden and nightmare for the state agencies. I concur, it should be taken out.

CHAIR WOODWARD: Cheri.

MS. PATTERSON: I also agree, pooled quota should not be considered for this particular scenario or this particular species. We do this in the northeast with dogfish, and it is an administrative burden.

CHAIR WOODWARD: It sounds like the general consensus of the Board is to have it removed, Kirby.

MR. ROOTES-MURDY: Okay, I've got that noted. Thank you.

CHAIR WOODWARD: Next one might be a little more complicated, and that is, how would we like to limit the number of weighted allocation options, if they are going to stay in. Even the scenario that was presented in the progress reports, we've got 50/50, 75/25, 25/75, depending on the different time series. This is one that can be difficult to sort out. I expect there might be some questions on what changing one means over another. I'll open it up for that.

MS. KERNS: I don't have any hands so far. Megan Ware, and then followed by Cheri.

CHAIR WOODWARD: Go ahead, Megan.

MS. WARE: Maybe I'll start with the timeframe, Kirby, because it looks like you have three combinations of timeframes for the weighted approach. Looking across those three, kind of where I'm seeing the shift in quota is Maine, Mass, New Jersey, and Maryland. I hope we can pare it down to two. My goal in paring it

down to two is just preserving the range that the states had, if they have like a higher value and a lower value, making sure that those try to stay in.

I think we can accomplish that with the first two allocation time periods, which means removing this 10-12, 18-20 option. Then in terms of the 50/50, 75/25, I struggle to see how a 75/25, where 75 is on the historic data. I'm struggling to see how that is going to create enough delta of a difference for the New England states. I would recommend removing that.

MR. ROOTES-MURDY: I have one more timeline which is a weighted tier one.

MS. WARE: I think it's the very furthest right one.

MR. ROOTES-MURDY: Yes, yes, I've got the 2010-2012, 2018 to 2020, but in terms of the weighting, 50/50, 75.

MS. WARE: Oh, one of the 75/25s where the 75 is on the more historic set of years. Does that make sense?

CHAIR WOODWARD: Remove that one and leave in the 50/50 and the 25/75, right?

MS. WARE: Yes, I think so.

MR. ROOTES-MURDY: Weighted more towards recent landings, and that way I'd have it.

CHAIR WOODWARD: Cheri.

MS. PATTERSON: I agree with Megan, I think we need to go with the more recent time series, if our objective is to address quota where the fish are, and I think we need to stay with the closer time series to recent. I agree with what Megan had indicated.

CHAIR WOODWARD: All right, Kirby, just to make sure everybody is clear on what those recommendations are, if you would just restate them, the two-time series, and we know it's 50/50

or 25/75 with the time series that have been recommended.

MR. ROOTES-MURDY: Yes, just give me a minute so I can pull it up so people can see what we're talking about. It might be helpful.

MS. KERNS: While he's doing that, I'll just let you know that Steve Bowman, followed by Pat Geer have their hands up.

CHAIR WOODWARD: Go ahead, Steve.

MR. PAT GEER: Mr. Chairman, this is Pat Geer. I'm going speak on behalf of Steve Bowman.

CHAIR WOODWARD: All right, go ahead, Pat.

MR. GEER: We would disagree with the 75/25 split, we think it should be equally split, simply because we've already talked about, as Nichola said earlier, landings do not indicate availability. We need to address those historical values as well, there is infrastructure in place, and doing anything less than a 50/50 split would be something that we could not support.

We do support those years of 2009-2011, those are years before there was a TAC in place, and we realize you know using the most recent years are important as well. We support the years, we just don't support anything other than the 50/50 split.

CHAIR WOODWARD: All right, so Kirby's got up the timeframes. All right, so go ahead, Kirby, just make sure everybody knows what they're looking at here.

MR. ROOTES-MURDY: Sure, so again, what I got guidance on from Megan was removing when it came to the weighted approach, removing their last one on the last column, which was 2010 through 2012, and 2018 through 2020, as it falls in the middle of the two others. I also got preference noted from her that the weight towards more recent landings, so 25/75 split.

I just heard from Pat Geer an interest in having a version that has a 50/50 split on that, and then what I wanted to make sure I had corrected was one of the recommendations from the Plan Development Team. That if there is an interest in using these weighted timeframes, these far-right ones.

That in turn using a timeframe of 2009 to 2020 would not be needed, as it produces similar types of percentages. If there is agreement to want to pursue a weighted timeframe approach, then I wanted to get confirmation that there are a couple of members in agreement who did not have a 2009 top 2020 timeframe alternative in the document.

CHAIR WOODWARD: Is there any concern about what Kirby has just described, or is there need for clarifying the questions on that?

MS. KERNS: I have Lynn Fegley and Pat Geer and Steve Bowman.

CHAIR WOODWARD: Okay, go ahead, Lynn.

MS. FEGLEY: Okay, so I think Kirby just helped me out. Somehow, I was under the impression that we had already sort of agreed by consensus to remove the 2009/2020 option, but that doesn't seem true. It seems like that is still in there. I would say to Megan's point and to Pat's point. If we are maintaining options in the document, like the 2018-2020 reference period, there is no need, I don't think, to go to the weighted time period that weighs heavily towards the recent year. I would rather replace that with keeping the long time period, or using the 50/50 that produces similar results. I think as long as we have these options that have these recent timeframes, we need to remember that we've put in our objectives that we wanted to better align, and we still want to consider infrastructure and past fishery performance. To Nicholas's point that "landings are more than just availability."

You know they are about what a state is doing with its effort. I think if we don't do the 75-weight to recent years, maintain the recent year timeframe,

and maintain that long average, we're going to have a coverage of all of those interests. I hope I articulated that okay.

CHAIR WOODWARD: Yes, I'm trying to follow that. I'm a little fuzzy exactly what this table would look like under that scenario. But maybe, Kirby, you can help un-fuzz this for me.

MR. ROOTES-MURDY: I think I got confused by what Lynn is looking for. We will move forward with getting this far column removed, and I was trying to get confirmation that in having a weighted approach in this document, that there wouldn't be the need for a full 2009-2020 timeframe. Lynn just spoke in favor of keeping that in, so I would like to better understand if there is agreement with other Board members to keep in 2009-2020. If that is something that you guys want to add as an explicit timeframe option that would be helpful.

CHAIR WOODWARD: Lynn, would you follow up, maybe, and help us get out of this little fog we're in here?

MS. FEGLEY: Yes, I'm sorry. I certainly didn't mean to create that. I agree, that last column to the right should be removed. I'm trying to agree with what Pat Geer said, that anything weighted more than 50/50 in recent years, I would not support. I was trying to say that if there is an option that provides similar results to that long time series, then that long time series I would support removing.

CHAIR WOODWARD: Yes, and I think this is the inherent problem of two divisional steps here, because we're trying to reconcile weighting to time series. Trying to figure out a way to get ourselves out of this for the war we've got going on between weighting and time series.

MR. ROOTES-MURDY: Well, I think in the interest of time we will leave this in. What I've heard is an interest in two different variations on the weighted approach, 50/50 and 25/75. There are a number of other items I want to get

to in this document, and I just am going to reiterate that if you guys don't want to remove things now, I understand. But there will come a point in which to simplify the Addendum, things will need to be removed.

CHAIR WOODWARD: All right, Pat, sorry I left you hanging there.

MR. GEER: I just wanted to clarify. I'm not opposed to keeping all three options to go forward into the plan, I just didn't want it to just be one or the other. I think all three options, the 25/75, 75/25 and the 50/50, so with all three of those moving forward.

CHAIR WOODWARD: All right, thank you, Pat. Now, was Steve going to talk or are you talking for Steve?

MR. BOWMAN: No, Sir, we're just having a little difficulty, as far as technical stuff if you're concerned, but we're going to get broadband here before long.

CHAIR WOODWARD: I remember you all saying you all were pooled together in there, so thank you, Steve, no problem whatsoever. All right, Kirby, so are we good on that slide? I can't remember.

MR. ROOTES-MURDY: Yes, I'm just going to bring back to, I think some of the timeframe questions that we were hoping to get some clarity on for the Board. Some of the other questions that were important to probably get answered were, we had a moving average method in this document as well. I wanted to get confirmation from the Board that there is interest in keeping that alternative in the Addendum.

CHAIR WOODWARD: All right thanks, that one I think is interesting in the concept may be good or bad in execution, so would anyone like to comment on that, Board?

MS. KERNS: Conor McManus.

CHAIR WOODWARD: All right, go ahead, Conor.

MR. McMANUS: I would be in favor of keeping that in. I think in thinking about the issue at hand and the objectives of the Addendum. It really tries to get towards what landings are distributed to date, and also allow for a dynamic nature of the base, in terms of variability, either to harvest or just in terms of where landings are occurring.

I think it is worth noting, especially as the TC noted that they are in that example figure towards the end, because there can be somewhat of a cyclical nature, in terms of where landings happen and where the resource is. I think this is probably one of the more adaptive and responsive tools towards addressing that thought. I would be interested in seeing it move forward, primarily in the spirit of the objective of the Addendum.

CHAIR WOODWARD: Any other hands, Toni?

MS. KERNS: No other hands.

CHAIR WOODWARD: All right, Kirby, so at least we have one person in favor of keeping it in there. Does anybody want to register their concerns about leaving it in there, or are you fine with leaving it in? If you're opposed let me know, just raise your hand.

MS. KERNS: You have Emerson Hasbrouck.

CHAIR WOODWARD: All right, go ahead, Emerson.

MR. HASBROUCK: I'm thinking, Mr. Chairman. I've kind of lost my place here. Which of these bullets are we discussing right now about leaving in or taking out?

CHAIR WOODWARD: At the bottom, leaving in the moving average method.

MR. HASBROUCK: Okay, I'm not opposed to that. I mean yes, I'm not opposed to keeping it in.

CHAIR WOODWARD: This is a lot to keep straight in your head, I know, it's difficult, especially in a virtual environment. Thank you, Emerson. All right, Kirby, I think you've heard from the Board on that one.

MR. ROOTES-MURDY: I think we've read most of the main questions for allocations, and I think in the interest of time it would be good to get Board feedback on the incidental catch in small-scale fisheries.

CHAIR WOODWARD: All right, okay.

MS. FEGLEY: Mr. Chair.

CHAIR WOODWARD: Yes.

MS. FEGLEY: I'm sorry, this is Lynn Fegley. I wanted to just throw out there about removing the reopen for three years and then reallocate. I think that's in the allocation.

CHAIR WOODWARD: Can you take us back to that, Kirby?

MR. ROOTES-MURDY: Yes, I would, not having heard any agreement from the Board to keep it in, it would be good to get confirmation to remove this.

CHAIR WOODWARD: Which one are we looking at? Remind me, I kind of got lost there. Say what you said again, Lynn.

MS. FEGLEY: Yes, I'm sorry, it was the open fishery then reallocate. I wanted to make sure there was a consensus to remove that.

CHAIR WOODWARD: Yes, that one is gone. All right, Kirby, take us back. All right, we have a statement of the problem here under incidental catch. I would like some Board feedback on the language here.

MS. KERNS: Ritchie White.

CHAIR WOODWARD: Go ahead, Ritchie.

MR. WHITE: As I said initially, I guess I can't support changing this until I see volumes of quotas that the New England states will get, because now they depend on this, so cutting this back substantially would have severe implications if they do not have adequate quotas up front. That would be my sense is, that I see what the other end is before you make a decision here.

CHAIR WOODWARD: I guess my question is, do you agree that this language adequately describes the problem that we're having to address in the Addendum?

MR. WHITE: Yes, it is a problem, absolutely, thank you, sorry.

CHAIR WOODWARD: Any other hands?

MS. KERNS: You have Justin Davis, followed by Lynn Fegley.

CHAIR WOODWARD: All right, go ahead, Justin.

DR. DAVIS: I just wanted to offer that I thought the second to last bullet here, the one that starts with Amendment 3 language, isn't maybe as clear as it could be, particularly the sub-bullet underneath it. Maybe I'm the only one who feels that way, but I thought maybe a little bit of clarification there of what exactly is being communicated could be helpful.

CHAIR WOODWARD: I was going to look at the actual, this is obviously bulleted. The statement of the problem in the actual memo is much, much more detailed. Maybe if you could look at that, and see whether or not you still have the same concerns. It says the Amendment 3 language has led to various interpretations of which landings fall under this provision. If it needs to be further expanded that's fine.

MR. ROOTES-MURDY: Justin, we can work on perfecting this, but the issue that the PDT was trying to highlight here is that you've got in states that start to land under the incidental

catch provision before their full jurisdictional obligation is met. They do it based off of the sector or gear having met their subdivided jurisdictional allocation. It's been flagged by the Plan Review Team in three FMP review in recent years.

DR. DAVIS: Thanks, Kirby, and I do see that the language in the actual memo document is much more descriptive, so I would retract my earlier statement, thanks.

CHAIR WOODWARD: No problem, just trying to make sure the bullets capture the essence of it. Sometimes that means losing some of the detail. All right, Lynn, you're next.

MS. FEGLEY: I would just add to the intent that the other part of this was to minimize regulatory discards for non-directed multispecies fisheries.

CHAIR WOODWARD: Okay, so you want to add that as an additional sentence under the intent statement, is that correct?

MS. FEGLEY: Correct.

CHAIR WOODWARD: You've got that, Kirby?

MR. ROOTES-MURDY: Yes.

CHAIR WOODWARD: Very good. All right, any further comments on the statement of the problem?

MS. KERNS: You have Emerson Hasbrouck and Bob LaFrance.

CHAIR WOODWARD: Go ahead, Emerson.

MR. HASBROUCK: Relative to the last bullet there. Without changes to these landings, by these landings I think we're talking about incidental catch small-scale fisheries overall. Without changes these landings may remain at high levels or increase. This could jeopardize management objectives. I'm not completely following how the incidental catch small-scale fisheries landings can jeopardize our

management objectives. Can somebody help explain that to me, please?

CHAIR WOODWARD: I'll take a shot at it. I think the concern is that at the rate they're increasing, as you see in that third bullet they've exceeded state quotas range to 1-4 percent of the annual TAC, since they don't get counted against the TAC. If we reallocate, in order to fully utilize the TAC, then I think an unintended consequence could be that the incidental catches cause a climb in exceedance of the TAC, which means that we're removing more menhaden from the water than we intend to do under our management approach. Kirby, is that an accurate description, or I'm off?

MR. ROOTES-MURDY: No, you're correct.

MR. HASBROUCK: Follow up on that, please?

CHAIR WOODWARD: Go ahead.

MR. HASBROUCK: But if our intent here is to change the underlying allocation to each state, then hopefully states are not going to revert to the incidental catch in small-scale fisheries allocation, because their quota is still open. All right, now if you've got a small quota, then you start going against the incidental catch quicker.

But if you've got a larger quota, then you're not going to start fishing against the incidental catch as early on in the year. I don't know that that is going to jeopardize our management objectives. It kind of depends on how things shake out with our reallocation.

CHAIR WOODWARD: I think that's what I guess the statement without changes, if things were to stay at status quo and we did not have a change in the way that the incidental catch provision is being further utilized, then we could result in exceedance to the TAC overall. But I think it became, as has been stated multiple times this afternoon.

All these things are connected together. It's kind of hard to touch one without touching the other ones, and understanding what that means for the first one. That is part of the inherent problem in these sorts of situations. I certainly understand your concerns. Okay, Rob, go ahead.

MR. LaFRANCE: This is really just a question for Kirby under the Amendment 3 language that we're talking about, in terms of different interpretations. What you're looking for is clarification that we need to make certain that either one gear type, in other words, you exceed the quota for the whole of your state before you can get into this program, versus exceeding it for a particular gear type. I just want to make certain that that is the question.

MR. ROOTES-MURDY: The statement of the problem again is trying to outline the issues that need to be addressed. The next slide is going to go over the objectives. In terms of ways of addressing this, the Plan Development Team has put forward alternatives to make the language more clear on whether a jurisdiction can go into incidental catch, whether it's based on their full allocation or subdivided sector user specific allocations.

MR. LaFRANCE: Thank you, Kirby, you answered my question, I appreciate it.

CHAIR WOODWARD: All right, any further questions or comments about this statement of the problem, anything that we just find unacceptable and needs to be changed. We need to move on, we're running out of time.

MS. KERNS: No other hands.

CHAIR WOODWARD: Okay, Kirby, let's move on to the objectives slide.

MR. ROOTES-MURDY: Again, we wanted to make sure that the Board feels that this objective statement, or this objective will address their statement of the problem.

CHAIR WOODWARD: All right, I'm just going to bring this up, because it's come up in earlier

discussions, and that is under bullet one it says meeting the needs of existing fisheries. Do we want that to be changed to current, or is existing a suitable synonym for current? I'll throw that out there, then just open it up for general questions and comments.

MS. KERNS: You have Megan Ware.

CHAIR WOODWARD: All right, go ahead, Megan.

MS. WARE: To answer your question, Mr. Chair, I think existing is fine filling in for current. I'm fine with existing. I think they mean the same thing. I had a couple concerns with these, and I think my overarching concern is I felt like some of these objectives veered into actual management tools, as opposed to objectives.

For example, Number 4, establishing trip limits and season limits. That is something we're considering in this document, and I think we should consider, but to me that's a management tool to achieve an objective, not necessarily an objective. Similarly, Number 3, indicating what landings can occur.

I agree we need to answer that, and that those landings are not part of the directed fishery. To me that is like a management tool. I think that is what we're trying to answer that's a question too, right? But I really think it's indicating when landings occur, and if those landings are not a part of the directed fishery. We develop a range of alternatives to answer these different objectives. My final comment on Number 2. I fully support an objective about reducing discards, and when mentioned previously, I think that is a really important part of this provision. I'm not actually sure if limiting eligible gear type achieves that objective.

I'm not opposed to alternatives in the document that limit gear types, because I can sense that there is a strong desire for that. But I actually think on the one extreme, if you limit gear types all the way, then you would actually

be increasing discard. To me there was a bit of a mismatch there for in the Number 2 objective, and my recommendation would be just to simply say reduce discards as Number 2.

CHAIR WOODWARD: All right, thank you, good comments. I think sometimes we do have a tendency to blur the lines between objectives and actionable items pursuant to objectives, so we've had a recommendation that we would modify Bullet 2, to only include reducing discard mortality, and then actually remove Bullet 3 and Bullet 4, based on Megan's utterance. Other comments from the Board, questions?

MS. WARE: Mr. Chair, just to clarify, if I may on Number 3. I don't think it needs to be removed necessarily, although it can be. I think if we keep it in it should just state, indicating when landings can occur, and if those landings are a part of the directed fishery, so pose it more as a question than a directive.

CHAIR WOODWARD: Okay, thank you for clearing it up for me. We've had some suggested modifications from Megan. Any other raised hands, Toni?

MS. KERNS: Nichola Meserve.

CHAIR WOODWARD: Go ahead, Nichola.

MS. MESERVE: I'm struggling a little bit with the first one, actually, saying meet the needs of existing fisheries. If that was the overall objective, I don't think we would have an option that would consider removing purse seines from the allowance, because that's certainly not going to meet the need of that fishery. I just don't know if that is there as the objective is to constrain the landings, while continuing to minimize discards. I see those two, but I don't know if we're trying to meet the needs of all the existing fisheries under the incidental catch provision.

CHAIR WOODWARD: All right, would you recommend that statement be removed or modified?

MS. MESERVE: I mean thinking on the fly a little bit. I would say remove it. But the PDT may be able to put some more thought into this one, and come back at the next meeting to gander consideration, a lot of Board comments today.

CHAIR WOODWARD: Yes, I think one of the challenges to this is that we almost have to give them a time machine and go back to whenever we had the original discussions about getting this built, it's provisions and what the purpose of that was. I think one of the primary focuses of that provision was to just reduce discard, period. Certainly, we know folks that were there back in those years. If that's what the real objective of the incidental catch provision is, or has it grown to much more than that over time? I welcome comments about that.

MS. KERNS: Lynn Fegley, and then Emerson Hasbrouck.

CHAIR WOODWARD: Go ahead, Lynn.

MS. FEGLEY: Yes, as indeed, I think one of the architects of this cockamamie idea. The intent of this provision originally was to allow low volume, non-directed, multispecies gears a mechanism to continue working without creating large amounts of menhaden discards, or having to shut down an entire multispecies fishery to preserve menhaden. Those were the conversations that we were having during Amendment 2.

CHAIR WOODWARD: All right. Go ahead, Emerson.

MR. HASBROUCK: Yes, similar to what Lynn just said. As I recall our discussion, however many years ago on this, was to have this allocation for, not just an incidental catch, which to me is when somebody is fishing for something else, they catch some menhaden. Not to have just an allocation for incidental catch, but also small-scale fisheries.

I don't recall how we defined small-scale fisheries, but I'm sure that we did. Even if that small-scale fishery caught more menhaden than it did other species, it's still a small-scale fishery. I think the discussion in the allocation here was for both. To allow an incidental catch and to allow small-scale fisheries to harvest menhaden.

CHAIR WOODWARD: All right, Kirby, could you back up to the statement of the problem again? I think maybe some of our difficulties kind of reconciling the objectives are stated here in the statement of the problem. Really what we've got is a set of objectives that need to be pursuant to the problem as described here, with the additions that were offered earlier.

We really aren't talking about the objectives of the incidental catch provisions, per say, we're talking about the objectives to deal with this problem. I think that may be a little bit of our issue here. Kirby, do you have any suggestions to lead us out of this, the situation we're in right here?

MR. ROOTES-MURDY: Yes, so I've gotten feedback to remove this one bullet to actually work with the Plan Development Team was either modifying this first bullet, or this first item, or removing it. I might need to go to Nichola for some more clarity on that. I've gotten some language on adjusting the third item as well. But if there aren't any other comments that people have on this that's fine, we can move on to the recommendations and the key questions.

CHAIR WOODWARD: Okay, do we have any raided hands, Toni?

MS. KERNS: One, Steve Bowman.

CHAIR WOODWARD: All right, go ahead, Steve.

MR. BOWMAN: Shanna Madsen will be speaking, go ahead, Shanna.

MS. SHANNA MADSEN: Thank you, Mr. Chair, sorry about us all being in the same room. I think it gets a bit confusing. But just kind of wanted to speak to

both what Lynn had said and what Emerson had brought up. In going back and just to pull, just to let everybody know, I am serving on the PDT currently. I just wanted to kind of disclose that.

I did go back when we were sort of developing some of these options, and read through the draft amendment for Amendment 2 and Amendment 3. I did want to note that I think that there is discrepancy sort of between what Amendment 2 had discussed as what an incidental catch bycatch looks like, and kind of what we put forward in Amendment 3, like Emerson was saying.

You know that sort of enclosed a more small-scale fisheries to be included as well as that incidental catch provision. However, I would note that in Amendment 3, we state very specifically that should a specific gear type show a significant increase in landings under that incidental catch provision, or it becomes clear that a non-directed gear type is directing on menhaden under the incidental catch provision. The Board has the authority through adaptive management to alter the trip limit or remove that gear from the incidental catch provision.

I think that kind of leads to some of the thoughts that we're trying to put forward to with this objective with the incidental catch program. I think that you know I've heard a lot from Board members, as far as whether or not they want that to actually encompass the small-scale fisheries as well as incidental catch, or if we just want to go back to bycatch incidental catch provision like we had in Amendment 2. I just kind of wanted to bring up that that was the stuff in the Draft Amendment 3.

CHAIR WOODWARD: Thank you, Shanna that is helpful context I think for us, as we sort of wander our way through all of this. I think we're going to leave this for right now and move on to the next slide, Kirby.

MR. ROOTES-MURDY: Okay, so in terms of recommendations for the PDT, it was to adjust the trip limit, whether that is the priority, because as noted, just adjusting the trip limit may not significantly reduce landings under the incidental catch and small-scale fishery provision. The other was not to include catch accounting as this appeared to be feasible, in terms of addressing the concerns raised about increasing landings under this category for either reallocation or it could be addressed through changing gear types that are in the current provision, as well as trip restrictions.

CHAIR WOODWARD: All right, so is the Board interested in continuing to have trip limit adjustments in this Addendum, or to leave them just where they are, and focus on the other perhaps more important issues?

MS. KERNS: You have Megan Ware and then Joe Cimino.

CHAIR WOODWARD: Go ahead, Megan.

MS. WARE: I would recommend that we keep this in. I guess I would kind of disagree with the PDTs conclusion that changes to trip limits may not significantly reduce landings. When I read the memo, it said 60 percent of trips were above 3,000 pounds. If we went down to 3,000 pounds, 60 percent of trips would be impacted, which to me suggests that it would significantly reduce landings.

Just knowing what Maine kind of distributes in a trip limit looks like, I know it would have significant impacts in Maine, which is kind of the reason we're having this conversation. I would recommend keeping it in. I do recommend, you know I think the change in trip limit has to be for directed gears. I know there are states in the Mid-Atlantic where they have stationary multispecies gears that are reliant on those 6,000 pounds, 12,000-pound trip limit, so I think that the change in trip limit needs to be narrowed just to directed gear type, thank you.

CHAIR WOODWARD: Okay, Joe, go ahead.

MR. CIMINO: Yes, I'm okay with everything Megan said. I think if we do want to have discussions on trip limits, eventually it would be important to get public comment on that. As for the catch accounting. I think it's important to revisit at some point in time, but I do not think it needs to be in this Addendum.

I think as of right now, you know it's something that we are operating well within our safe harvest limits. I don't enjoy having any catch that isn't accounted for under a total allowable catch. I spent some time thinking about this. I don't think this is an issue that we need to try and tackle right now, with all the other stuff on this.

CHAIR WOODWARD: Is anyone strongly opposed to leaving in the trip limit element in the Addendum? Likewise, is anybody, excuse me, Toni, go ahead.

MS. KERNS: Max has his hand up in opposition, I think.

CHAIR WOODWARD: All right, so Max, do you want to?

MR. APPELMAN: Sorry, Mr. Chair. I wasn't putting my hand up in the queue for opposition of the trip limit, but I did want to speak to the second bullet. I can hold on to that comment.

CHAIR WOODWARD: No, go ahead.

MR. APPELMAN: Well, I appreciate what Joe is saying, but I do kind of think this concept should stay in the document at least for scoping. I also, I think I'm following what the PDT is thinking here, that if we get reallocation right, then reliance on the incidental catch provision will go down, and so those landings will be sort of minimal. But I do think the concept of ensuring all landings that are counting towards the TAC should be part of this draft document for scoping. I would like to see that in there.

CHAIR WOODWARD: We've got support. Go ahead, Toni.

MS. KERNS: You have, I think the order that they came up was Allison Colden, Lynn Fegley, Rob LaFrance and then Justin Davis.

CHAIR WOODWARD: Go ahead, Allison.

DR. COLDEN: I just wanted to weigh in and support Max's comments about catch accounting. I think it's an important concept to keep in the document at this point. We've talked a lot throughout this afternoon about how incidental catch is increasing over time. It is not counted towards the TAC.

I know our intention here with our reallocation efforts are to move more of these landings into the directed fishery under the state-by-state allocation. But since we are at a point where we don't yet know how other parts of this management document are going to shake out, and what that means for final allocations for the state by state, I think it's important that we keep this in here. I do think you know there may be some more flexible options that could be considered.

I know the PDT has put a lot of time into thinking about this, and you know concerns that they might have. But at least making sure that if the inclusion of the incidental catch results in an overage of the coastwide TAC, that there is a management trigger that is tripped, and we have to take action and treat it just like an overage in any other portion, either the EESA or the state-by-state allocations. I think that would be appropriate, and like Max said, I would support keeping this in the document at this point.

CHAIR WOODWARD: All right, Lynn.

MS. FEGLEY: Maybe being somewhat at odds with my colleague and my delegation. You know I agree with the importance of accountable catch. I really am starting to dislike this idea that this harvest is being characterized as unaccountable, because we do account for it. We know exactly what we're catching. We do compare the total harvest that

includes incidental catch to the TAC each year, and the numbers are included in the stock assessment.

I mean those numbers are accounted for. My concern is that the options that we have in the document are extremely complicated. I will say honestly, that one of the saving graces of the incidental catch is the administrative burden, you know on the state. I think Maryland would wind up paying more than the Maryland menhaden fishery is worth, in staff resources that we don't have, to meet some of the monitoring requirements. But that said, by the end of the year, you know we are fully accounting.

I feel like the public is going to be confused. It's going to be difficult to implement. I would rather replace it with even language that says something like, you know if we do exceed the cap. We've never lost our way with where we are in the annual harvest, versus the cap. Maybe we just say, if we exceed the TAC in a year, then the Board has to take some sort of action. The problem that we have is the growth. It's the sort of big growth that's happening in this sector. That is coming from that purse seine. I think the problem, we need to fix the problem and not just throw the whole baby into a different dimension. I really think it's for another conversation for another day. We have not exceeded the TAC since it's been put in place.

CHAIR WOODWARD: All right, Rob.

MR. LaFRANCE: I just want to align my comments with Allison, and just also say a couple things in terms of, we keep referring to incidental catch, and I think it's important to recognize that it's not just incidental catch. Incidental catch is small-scale fisheries. It's really that small-scale fishery that we're really trying to make certain gets accounted for under the TAC.

I understand that we look at it as part of the projections, but actually accounting for it, and making certain it's accounted for like any other directed fishery, should be what we're looking at, which is why I think we should maintain it in this particular document at this time. We still don't know how this is all going to shake out. I think at the end of the day we want to make certain we leave this in here, to make certain that we are accounting for the small-scale fishery in how we look at the reported data as it relates to the TAC.

CHAIR WOODWARD: All right, Justin.

DR. DAVIS: I'll keep it brief, because a lot of good points have been made on both sides of this. I am in favor of keeping this in the document at this time. I am fairly optimistic that when everything is said and done that the need for this won't be there anymore, through a combination of reallocation and some adjustments to this program that will negate the conditions that have led to the growth and catch under this category. But for me at this point, I would prefer to see it stay in.

CHAIR WOODWARD: Any more hands, Toni?

MS. KERNS: One more hand, Emerson Hasbrouck.

CHAIR WOODWARD: All right, go ahead, Emerson.

MR. HASBROUCK: I think some of the issue here is semantics. This second bullet does not include catch accounting in the draft addendum, and even in the draft addendum the category is catch accounting, but what it really speaks to is accountability. We already are accounting for the incidental catch. As Lynn said, we know what it is, and we compare it, we add it to the landings and compare it against the TAC.

We account for those landings, right? But I think the issue is, what are we going to do about accountability, right if the incidental catch increases by whatever we might come up with here? I just noticed that the slide changed here to catch cap and so forth. I think if we're going to go forward here. I think we need to change the category here

to accountability rather than accounting, unless I've got it backwards.

CHAIR WOODWARD: Well, obviously there is split meanings on this one. I guess I would recommend that we leave it in, but we'll have another chance to address this. But Kirby could use a little bit of guidance on these alternatives here. Let's take a little time here, and or even those who would like to see it go away, maybe help Kirby out here. Kirby, certainly weigh in on what we need to do to help you and the PDT, with regard to these.

MR. ROOTES-MURDY: I think one of the tough things is, a key question that this Board continues to wrestle with is, given the trend in landings, does the Board want to continue having this provision be an incidental catch only provision or to continue allowing directed small-scale fisheries under it?

If it's to allow directed small-scale fisheries, would the Board rather constrain landings and not count them against the TAC, or to constrain landings or not constrain landings but have them count against the TAC? Trying to get at that, you know the Plan Development Team thought through, at least a couple of alternatives to address this.

But to the point raised earlier about complexity. Without the Board providing some kind of guidance on what the priority is, this is going to be frankly a monster to try to explain to the public. You've got at least two different approaches. You either have a set-aside or you take a percentage of the TAC that you're monitoring, and then have a management trigger too.

Those are two different alternatives. But then it could be further subdivided into being just specific to small-scale directed tier sites or for both. Again, the Board I think, is going to need to, not today down the road, make a decision on what the priority is when it comes to accounting for this incidental catch landings.

They want to have this type of program in place.

CHAIR WOODWARD: The day is getting long, and I think we're all getting a little fatigued in our brains, especially to deal with things of this nuance, so it doesn't want us to make decisions that we're not comfortable with. Are there any strong feelings about these alternatives here, or does Kirby's comments change anybody's opinion regarding whether we need to keep this in the Addendum or we put in something that is going to be very difficult for us and the public to understand the consequences of? I'll throw that out. We're about to bump up against our time, so we don't want to go any farther than we have to. I want to keep this discussion going.

MS. KERNS: You have Allison Colden, followed by Lynn.

CHAIR WOODWARD: Go ahead, Allison.

DR. COLDEN: Hopefully what I'm offering is a helpful suggestion. I was just thinking as maybe an option to simplify this a little bit. Could we not have the incidental catch sector sort of operate as it does now? It is evaluated post hoc right now. Then account for overages from the TAC in a following year, without having a specific set-aside or catch cap?

CHAIR WOODWARD: I certainly think that's a viable alternative. Are you suggesting that we replace what we have with that or add it in?

DR. COLDEN: I guess that would make it more complicated, but I wouldn't want to say to replace all of these, if other members of the Board were interested in moving those forward as well.

MS. ROOTES-MURDY: Allison, could you just maybe one more time reiterate what it is you're proposing, because again, this catch accounting in the memo outlines based on what the PDT has thought through, a catch cap that is a percentage of the TAC versus a set-aside, which comes off the TAC. You're proposing what?

DR. COLDEN: Basically, that the small-scale fishery operates similar to the status quo that it does now, and then there is a post hoc evaluation of whether or not we've exceeded the TAC. Then the overage from the TAC exceedance caused by the incidental catch fishery comes off of the next year's TAC.

MR. ROOTES-MURDY: Just so it's clear, that would mean that there are no changes to the gear types it outlines in Amendment 3, that combined incidental catch small-scale fishery gear type, if those landings coastwide cause the TAC to be exceeded that that produces the following year's TAC. Is that what you are proposing?

DR. COLDEN: Yes.

MR. ROOTES-MURDY: Okay, if that's the will of the Board to have that as an alternative then that can be included in the Addendum.

CHAIR WOODWARD: All right, I would like to hear from some of the proponents of keeping in catch accounting in response to that, and even opponents, please.

MS. KERNS: I have Lynn, followed by Max and then Nichola.

CHAIR WOODWARD: Go ahead, Lynn.

MS. FEGLEY: I'm not sure, I totally understand what Allison was getting at. But I think looking at the memo, it seems because we know that the issue, you know the trouble here is really with the soft-scale directed gears. It seems to me like the compromise here is to keep 3 and 4, Actions 3 and 4 in the document.

I think Option 4 might be what Allison was getting at, where they have a 1 percent set-aside, and if they go over it, it is deducted from next year's set-aside. It parses out the place where the problem is, and lets out the little low volume non-directed gears continue running as

they are. That would be my recommendation, is to keep 3 and 4 in, and maybe not 1 and 2.

CHAIR WOODWARD: All right, we don't have those presented, so that we have to reference back to the memo to see what Lynn specifically is talking about, unless it's combined under this sub-option version specific to small-scale directed gear type. Let's see, I had Max next.

MR. APPELMAN: I am looking at the time, and I apologize, because I feel like I'm about to throw a wrench, given what Lynn was just proposing. But I actually saw this being simplified the other way, keeping Options 1 and 2, which are somewhat simple concepts, in my opinion. They are not gear specific, and then also adding Allison's proposal. My understanding about Allison's proposal, which I think is a good option, is that it's not gear specific.

The incidental catch provision would continue as it does. We would just tally up whatever those landings are, and if that plus directed landings exceeds the TAC, you deduct it from next year's TAC. I think that's another simple concept that we could add here. I apologize, Lynn, but I think it simplifies things in my mind to get rid of 3 and 4, and add Allison's proposed option to 1 and 2.

CHAIR WOODWARD: All right, we almost seem to be at an impasse here, I'm afraid, Kirby, with this one. We've obviously got divided opinions about leaving it in, and certainly divided opinions about what to leave in. At this point.

MR. ROOTES-MURDY: Spud, I would chime in. I think Max's suggestion, you know from staff viewpoint makes sense. One of the concerns I do have about 3 and 4 is specific by small-scale directed gear type. If those were removed, that is easy enough to sound board. The incidental catch landings are submitted annually through compliance reports.

Trying to parse out which ones would count and which ones wouldn't, I think would get at this point a little complicated for the public. Back to the suggestion of just having three alternatives, the

third being what Allison proposed, of just the incidental catch landings being combined with all the other landings to evaluate the TAC annually makes sense. We can include that in the Addendum.

CHAIR WOODWARD: All right. Well, I think unless there is some adamant opposition to that course of action, that's what we'll do. We can move on, hopefully get to the last item in the report from the PDT. Anybody can't go to sleep tonight because of that?

MS. KERNS: I have Joe Cimino and Erika Burgess with their hands up.

CHAIR WOODWARD: All right, Joe, go ahead.

MR. CIMINO: Yes, sorry, Spud. It's just, you know being on the Working Group, and trying to follow the PDT through some of this reasoning. It goes back to that decision tree. Right now, we have an issue in New England, where there is kind of a directed fishery in what used to be incidental catch.

That is what might put this TAC in jeopardy. A 1 percent set-aside is a situation where maybe that covers it. With Allison's suggestion, we could come up in a situation where we reduce or eliminate fixed minimums, and all of that goes back up towards New England, and we have an issue that does make me uncomfortable. I'm not necessarily saying I can't sleep at night, but things are getting so complex. I'm not sure if I can sleep at night.

CHAIR WOODWARD: Well, and I think that is the inherent problem with this. It's become like sitting in a restaurant with a 17-page menu, and trying to figure out what you're going to eat. You're almost paralyzed, and you starve to death sitting there trying to decide what to eat. I think in the interest of moving forward again.

We're going to see this again, you know Kirby was just trying to help the PDT pare things down, so that they can work most efficiently,

but obviously there is divided perspectives on this within the Board, so I'm hesitant to just throw it out. Kirby, is where we are going to be okay, in terms of keeping things moving forward on this Addendum?

MR. ROOTES-MURDY: Yes, I mean I hear Joe's concern. Like we've talked about before, when the Board sees the draft addendum, if there is an interest in removing that, the Board can do so at that point.

CHAIR WOODWARD: All right, Erika.

MS. ERIKA BURGESS: With Number 2 in the document and what Allison suggested, I would just encourage the PDT to include discussion of the potential pitfalls that come with a payback scenario, which is in both of these, for a portion of the fishery that's only accounted for at the end of the year.

I'm not speaking in favor or against either Number 2 or what Allison proposed, but just knowing what has happened in the Gulf of Mexico with this type of setup. All things with good intentions can have some unexpected and undesirable consequences. Just that that could be included in the discussion by the PDT in the next document, I would appreciate it.

CHAIR WOODWARD: Thank you, Erica. I would say unintended consequences is the very nature of marine fisheries management these days. All right, Kirby, it is 5:23. We've exceeded our allocated time, and Jeff, I'm sorry, we had you queued up for your presentation. I guess we'll hold that over for our next meeting.

I would like to, maybe if we can dispense with the episodic event set-aside, which probably usually means I think in the next few minutes. Unless folks really just want to have a hard stop. Is there anybody who thinks we just need to cut right now and leave this for the PDT? Can everybody hang in for a while?

MS. KERNS: No hands up.

Draft Proceedings of the Atlantic Menhaden Management Board Webinar
October 2021

CHAIR WOODWARD: All right, well I'll tell you what, let those that can stay and those that have to go break, thank you for hanging in with us. Kirby, let's move ahead so we can get done. I'll let you to your EESA.

MR. ROOTES-MURDY: Okay, I'm just trying to get it up onto the screen really quick, so the statement of the problem.

CHAIR WOODWARD: Okay, we've got a problem statement here. Obviously, it's a somewhat abbreviated version of what's in the memo. But it gets all pretty much most of the content, with the paragraphs in this. Does anybody have any recommended changes to this, or are we okay with it?

MS. KERNS: I have no hands.

CHAIR WOODWARD: Okay, one more chance, in case it takes a few minutes to read it. I don't want to rush us. No hands?

MS. KERNS: No hands.

CHAIR WOODWARD: Okay, all right, Kirby, let's move on to the objectives, or objective, in this case.

MR. ROOTES-MURDY: This is action to the episodic changes in regional availability in order to minimize in-season disruptions, and reduce the need for quota transfers and incidental harvest.

CHAIR WOODWARD: Okay, any questions/concerns with this?

MS. KERNS: No hands.

CHAIR WOODWARD: All right, we're on a roll here, Kirby.

MR. ROOTES-MURDY: I think maybe it would be helpful, given some of the discussion on our last issue, is to maybe go through these key questions, which is what the intent of the

episodic set-aside program is for the Board consideration. Should it continue to serve as it has been? It's kind of regional, secondary regional quota.

Should there be an alternative to remove the episodic set-aside? There are three questions really, if there is interest in increasing the set-aside, what should the maximum value be, where should that increase come from, and the PDT has considered either off the top as a consideration, relinquished quota, or through adjusting the fixed minimum, no change to set-aside from this off the top, from reductions in the fixed minimum.

CHAIR WOODWARD: Okay, so we've got some questions proposed regarding the EESA, so I'll open it up for responses and comments.

MS. KERNS: You have Joe Cimino.

CHAIR WOODWARD: All right, go ahead, Joe.

MR. CIMINO: I guess this is an issue of stamina at this point. I always ask those first two questions, but I don't think this is the time to address them, so I'm fine with not having consideration of alternatives to EESA at this point. I don't know what a maximum value should be. Maybe that's something we put out there. Maybe the needs of recent years can help answer that. But I think where should the increase come from are all things that should kind of move forward in the document, because I think those are all reasonable places if there is an increase.

CHAIR WOODWARD: Anyone else?

MS. KERNS: You have Megan Ware and Nichola Meserve.

CHAIR WOODWARD: All right, go ahead, Megan.

MS. WARE: In terms of the maximum value, I would be interested in something like 5 percent as the maximum value, and the reason I say that is, if the only thing the Board does to address some of the issues in New England is increase episodic, I think it

These minutes are draft and subject to approval by the Atlantic Menhaden Management Board.
The Board will review the minutes during its next meeting.

would need to be that high to cover what the new ones are kind of collectively landing. I would put that in there as a maximum, just for that reason.

In terms of where the increases come from, I don't think it should come from Number 2, relinquished quota, just for the simple reason that I don't actually think there is enough relinquished quota making a difference right now, and if we're potentially changing the fixed minimum in a tiered approach.

I think maybe the states that are relinquishing quota won't be relinquishing as much. To me that doesn't seem to be really a solution. I'm thinking 1 and 3 are actually a wash, and the reason I'm saying that is, if we have a decrease in the amount of quota that is tied up in the fixed minimum, so let's say it goes from 8 to 5 percent as an example.

That 3 percent, if it's just reallocated among the states, most of that is going to go to the states with the highest percentage of allocation. Similarly, if we take a set-aside off of the top, that deducts the most from a state with the greatest proportion of allocation. I actually think the two options will result in very similar numbers at the end.

CHAIR WOODWARD: All right, thank you. All right, Nichola.

MS. MESERVE: I agree on the 5 percent as a maximum value to be considered. Because of the objective that we just reviewed, I don't think that an alternative to remove the set-aside is appropriate to that objective, and would suggest that we remove it. I agree that, while I think that an initial set-aside from the overall TAC is the most straightforward and transparent way to increase the set-aside.

As Megan said, not have it based on relinquished quota that would be variable from year to year potentially, and much lower than the amount of quota that has been relinquished

in recent years. However, I did want to suggest that the Addendum address allowing states to transfer their quota directly into the set-aside, because this is essentially already taking place in years where there has been an overage of the set-aside, states have transferred quota to cover that overage, so it would just be nice to put that into the plan and make it clear that that could be done, even before an overage occurred.

CHAIR WOODWARD: We've got a recommendation to set the maximum value at 5 percent. We have a recommendation that we delete Number 2, and possibly Number 3, so that the EESA is set from the overall TAC. A recommendation that we do not have an alternative to remove it, that it's a useful tool in menhaden management. Then the recommendation that Nichola just made to account for existing episodic. Further comments/recommendations? Is anyone opposed to the recommendations that I just described that have been made by the previous speakers?

MS. KERNS: I don't have any hands at this time.

CHAIR WOODWARD: I think everybody is just wore down. I'm starting to get a little hoarse myself.

MS. KERNS: One hand just went up, Tom Fote.

CHAIR WOODWARD: All right, Tom, go ahead.

MR. FOTE: I mean, I don't agree with some, but I mostly go, and then we're going out to public hearings with this, so we should be getting a lot of comments on how the public feels on this. Except for the recommendations, when we probably get to the public hearing.

CHAIR WOODWARD: At this point we're certainly not binding ourselves to any final result, but we're trying to make sure that what we do take out to the public is understandable by the public, and certainly understandable by us. Kirby, have we got that?

MR. ROOTES-MURDY: Yes, I've got those down, obviously appreciate you summarizing. I would say maybe just to help with simplifying just one last set

of things for consideration. You know the Plan Development Team recommended not including an adjustment to the date for redistributing our new episodic set-aside, or consider additional restrictions on it, and not allow jurisdictions to fish under the set-aside prior to exhausting their state allocations.

If there is Board agreement not to have those items in there, again that would just add more complexity to this document. I think we should be in pretty good shape. The last thing that was highlighted was just, there was interest in having the Board clarify whether a state can apply for episodic set-aside prior to fully landing their allocation.

CHAIR WOODWARD: All right, thanks, Kirby, all right some feedback on these. Anyone opposed to the deletions recommended by the PDT, as listed here?

MS. KERNS: I'm not sure what the hands are for, but both Nichola and Max raised their hands when you asked for feedback, and then you asked for opposition, so you have those two hands.

CHAIR WOODWARD: Okay, go ahead, Nichola.

MS. MESERVE: Thank you again. On that last bullet there, I'm interpreting it as a state having a projection that they're going to utilize their quota, you know within three days' time, and at that time asking to be able to access the episodic once they've closed their state fishery, quota managed fishery. I would encourage that to be a part of the plan, so that the states cannot have to wait for something that they know is going to happen, using all their quota to actually happen before being able request access to the set-aside. I would also like to request that the PDT continue to include, at least for the time being, an option that would allow jurisdictions to enter into the set-aside before exhausting their state allocation.

What I mean by that is say, like 95 percent of quota use. I think there is a lot of benefit to doing that, because it would allow a state the ability to preserve a small percentage of their state quota to use after the set-aside is exhausted, so that they're not reliant at that time on either a quota transfer or use of the incidental provision, or having to close down small-scale purse seine activity, which is an option in the document.

I think there is a lot of benefit, potentially, to a minor tweak to the set-aside provision, and you know I think that the PDT's concerns about the catch accounting is overstated. In Massachusetts, we're able to account for those landings, in the right category, whether we close a fishery at 95 percent or 100 percent of the quota use.

CHAIR WOODWARD: Let me get this straight. What you're proposing is to leave in that third bullet under the top, but to propose some modifications to the criteria for which (unheard), is that correct?

MS. MESERVE: That's correct, to continue to develop an option to address a slightly early entry into the set-aside, so that a state can preserve some of its quota for after the set-aside is exhausted.

CHAIR WOODWARD: Okay, all right, do you have that, Kirby?

MR. ROOTES-MURDY: Yes, it would be good to make sure we've got a clear alternative in here set at 95 percent. I think that's what I heard you say, Nichola. I would caution the Board not to think about having too many alternatives of percentage, because that starts to get confusing and you have diminishing return.

CHAIR WOODWARD: Yes, I think 95 percent, I guess some reasonable range without getting too carried away would be useful. Max, I think you're next.

MR. APPELMAN: The comment might be a little nuance, but I was a little surprised to see the recommendation to not revisit the date unused EESA quota is redistributed, because it was my understanding that there are some administrative

concerns with how that data is currently set, and how new distribution happens within the same year.

Can you just, Kirby, if you don't mind, just elaborate a little bit more on to why the recommendation is to not include that? I think I get that it definitely complicates things a little bit, but I'm concerned if you keep it the way it is, you still have those administrative challenges that will continue to occur.

MR. ROOTES-MURDY: Yes, thanks. The thought process was from the PDT, that the episodic set-aside program has been, if not fully utilized close to fully utilized, for the last few years, and that moving that unused set-aside redistribution date to sooner, there wouldn't necessarily be much benefit to it.

We were talking about a very small percentage of landings. That was the general thought process that including an alternative date, without having a clear indication that there is a better date for, and a small amount of landings be redistributed. The PDT thought it would be helpful to include multiple alternatives under that idea.

CHAIR WOODWARD: Do you have a follow up on that, Max?

MS. APPELMAN: Yes, I guess that's an interesting perspective. I was considering maybe a potential option would be to not have a redistribution date, and I don't know where that would leave any remaining EESA in there. You know if there is any quota left what would happen to that, if it was pulled back into the pool next year, or something?

But I know that the date as it is poses challenges, because states are still sort of accounting for all the landings that have occurred, and you know the Commission staff is essentially doing the best they can to guess where landings are under the EESA at that point

in time, and redistributing. That number can change come final auditing.

I know there are challenges there that have been addressed or have been posed, or raised. I was just surprised to see recommendations to revisit that date. If the PDT feels that there is no reasonable alternative, then that is fine, I'm fine leaving it out. But I felt like I needed to at least bring it up.

CHAIR WOODWARD: Yes, thanks, Max. I think they identify it as an issue, but I don't know how to mitigate the problem. Since the situation is so dynamic. Short of a policy, any date, then that opens up another set of problems. Toni, hands?

MS. KERNS: No other hands.

CHAIR WOODWARD: All right, Kirby. Are you good to go on this?

MR. ROOTES-MURDY: Yes, I am. I really appreciate the Board working through this memo, obviously it's well beyond the meeting time. Feedback is helpful, and we'll continue developing this Addendum, so thanks all for bearing with us on this today.

CHAIR WOODWARD: Yes, and I want to hack on his thanks too. I know this is quite a feat to try to work through this, and reference back between the presentation, the document. There is a lot of uncertainty about how these various elements relate to each other, and I appreciate everybody's forbearance sticking with it.

This will help improve the efficiency of the PDTs activity, so at the next meeting, which will be late January of 2022, then there will be something to react to, and then there will be another chance to help perfect a public information document that goes out. Jeff, again, I apologize for having to bump you off the agenda. But certainly, if you will hold that presentation in queue, we'll hopefully get it the next time we meet. Is there any other business to come before the Menhaden Management Board? No hands, Toni?

MS. KERNS: Spud, I don't see any hands.

CHAIR WOODWARD: Is there any objection to adjournment of the Atlantic Menhaden Management Board?

MS. KERNS: I see no hands.

CHAIR WOODWARD: All right, Kirby, do you have everything you need?

MR. ROOTES-MURDY: I think I've gotten from the Board some guidance, so I appreciate that, thank you.

ADJOURNMENT

CHAIR WOODWARD: All right, very good. Well, thanks everybody and we will stand adjourned, and the Commission will meet again, I think first thing in the morning is Executive Committee, so everybody have a pleasant evening, and thanks again for sticking with us.

(Whereupon the meeting adjourned at 5:44
p.m. on October 19, 2021.)

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Atlantic States Marine Fisheries Commission

DRAFT ADDENDUM I TO AMENDMENT 3 OF THE ATLANTIC MENHADEN INTERSTATE FISHERY MANAGEMENT PLAN FOR BOARD REVIEW

Commercial Allocations, Episodic Event Set Aside Program, and Incidental Catch/Small-Scale Fisheries



Sustainable and Cooperative Management of Atlantic Coastal Fisheries

This draft document was developed for Board review and discussion at the January 2022 meeting week. This document is not intended to solicit public comment as part of the Commission/State formal public input process. However, comments on this draft document may be given at the appropriate time on the agenda during the scheduled meeting. Also, if approved, a public comment period will be established to solicit input on the issues contained in the document.

January 2022

Atlantic States Marine Fisheries Commission Seeks Your Input on Atlantic Menhaden Management

The public is encouraged to submit comments regarding this document during the public comment period. Comments will be accepted until 5:00 p.m. EST on **DAY, MONTH 2022**. Regardless of when they were sent, comments received after that time will not be included in the official record.

You may submit public comment in one or more of the following ways:

1. Attend public hearings pertinent to your state or jurisdiction; given COVID-19, it is likely most hearings will occur via webinar.
2. Refer comments to your state’s members on the [Atlantic Menhaden Board](#) or [Atlantic Menhaden Advisory Panel](#), if applicable.
3. Mail, fax, or email written comments to the following address:

Kirby Rootes-Murdy
Senior Fishery Management Plan Coordinator
Atlantic States Marine Fisheries Commission
1050 North Highland St., Suite 200 A-N
Arlington, VA 22201
Fax: (703) 842-0741
comments@asmfc.org (subject line: Atlantic Menhaden Draft Addendum I to Amendment 3)

If you have any questions please call Kirby Rootes-Murdy at 703.842.0740.

Commission’s Process and Timeline

August 2021	Atlantic Menhaden Board Tasks Staff to Develop Draft Addendum I
August 2021 – January 2022	Staff Develops Draft Addendum I for Board Review
January 2022	Atlantic Menhaden Board Reviews Draft Addendum I and Considers Its Approval for Public Comment
February – March 2022	Board Solicits Public Comment and States Conduct Public Hearings
May 2022	Board Reviews Public Comment, Selects Management Options and Considers Final Approval of Addendum I
TBD	Provisions of Addendum I are Implemented

1. INTRODUCTION

The Atlantic States Marine Fisheries Commission (ASMFC) is responsible for managing Atlantic menhaden (*Brevoortia tyrannus*) in state waters (0–3 miles from shore) under the authority of the Atlantic Coastal Fisheries Cooperative Management Act, and has done so through an interstate fishery management plan (FMP) since 1981. The states of Maine through Florida have a declared interest in the fishery and are responsible for implementing management measures consistent with the interstate FMP. Management authority in the Exclusive Economic Zone (3–200 miles from shore) lies with NOAA Fisheries. For the purposes of this Addendum, the term “state” or “states” also includes the Potomac River Fisheries Commission.

At its August 2021 meeting, the ASMFC’s Atlantic Menhaden Management Board (Board) approved the following motion:

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

The Addendum proposes options to adjust states’ commercial allocation to better align with availability; provide more flexibility for states declaring into the episodic event set aside (EESA) program; and reduce incidental catch and small-scale fisheries (IC/SSF) landings from recent levels.

2. OVERVIEW

2.1 Statement of the Problem

Since the implementation of Amendment 3 (2017), dynamics in the commercial menhaden fishery have changed, most notably the rise of landings in the Gulf of Maine and an increase in quota transfers to the New England region; an increase in landings under the IC/SSF provision; and an annual reliance by some states on the EESA program. To sufficiently address the issues posed by these changes, the addendum addresses three separate but related components of the management program: 1) commercial allocation, 2) the IC/SSF provision, and 3) EESA program.

2.1.1 Commercial Allocations

The current allocations have resulted in the Total Allowable Catch (TAC) not being fully used coastwide, while some states do not have enough quota to maintain current fisheries. Quota transfers alone are not enough to ameliorate this issue. Some states have become reliant on the EESA and IC/SSF provision to maintain their fishery while other states regularly do not land their allocation.

2.1.2 Episodic Event Set Aside (EESA) Program

Over 90% of the EESA has been used in all years since 2016. With the increase in Atlantic menhaden availability to the Northeast, the program has become a secondary regional quota for several states to continue fishery operations in state waters. The dependency on the EESA highlights the mismatch of Atlantic menhaden distribution and availability to current commercial allocations.

2.1.3 Incidental Catch and Small-Scale Fisheries (IC/SSF)

The IC/SSF provision was intended to provide continued access for low-volume landings of menhaden once a state's directed fisheries quota was met and reduce regulatory discards. In recent years, menhaden availability at the northern part of its range has resulted in directed fishery quotas being met earlier in the year. Additionally, the coastwide landings under this category have exceeded a number of states directed fishery quotas and ranged from 1-4% of the annual TAC. Landings under this provision have never caused the overall TAC to be exceeded but without changes, landings could remain at high levels or increase, leading to a potential exceedance of the TAC. Finally, the language in Amendment 3 has led to different interpretations of when landings fall under this provision (*i.e.* once a state's sector allocation is met or only once the full state allocation is met) and should be clarified.

2.2 Background

2.2.1 Allocation

Under Amendment 3, each state is allocated a 0.5% minimum quota and the remainder of the TAC is allocated based on a three-year average of landings from 2009-2011. On an annual basis, states have the option to relinquish part of or all of their fixed minimum quota by December 1st of the preceding fishing year. Any quota relinquished by a state is redistributed to other states that have not relinquished their quota, based on landings data from 2009-2011. Any overage of quota allocation is determined based on final allocations (inclusive of transfers), and the overage amount is subtracted from that state's quota allocation in the subsequent year on a pound-for-pound basis.

Amendment 2 (2012) also based state allocations on the three-year average of landings from 2009-2011; however, there was no fixed minimum. Table 1 shows a comparison of state quotas under Amendments 2 and 3, and highlights the influence of the 0.5% fixed minimum on states' allocations.

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Table 1. A comparison of state allocations under menhaden Amendment 2 and Amendment 3. Both Amendments used a 2009-2011 allocation timeframe; Amendment 3 included a 0.5% fixed minimum. While under Amendment 2, Pennsylvania was not a part of the Board and did not have an allocation, therefore is noted with a “-”.

State	Amendment 2 Allocation (%)	Amendment 3 Allocation (%)
Maine	0.04%	0.52%
New Hampshire	0%	0.50%
Massachusetts	0.84%	1.27%
Rhode Island	0.02%	0.52%
Connecticut	0.02%	0.52%
New York	0.06%	0.69%
New Jersey	11.19%	10.87%
Pennsylvania	-	0.50%
Delaware	0.01%	0.51%
Maryland	1.37%	1.89%
PRFC	0.62%	1.07%
Virginia	85.32%	78.66%
North Carolina	0.49%	0.96%
South Carolina	0%	0.50%
Georgia	0%	0.50%
Florida	0.02%	0.52%

From 2018 to 2020, total landings (directed, IC/SSF, and EESA) have increased among the New England states of Maine, New Hampshire, and Massachusetts (Table 2). From 2016-2020 Maine and Massachusetts have increased their percentage of coastwide total landings every year. A number of states have maintained directed fisheries while their landings have represented less than 0.1% of coastwide total landings (Rhode Island, Connecticut, and Delaware). In 2020, Maine, Massachusetts, New York, and New Jersey increased their percentage of coastwide total landings, relative to the previous year. Virginia’s percentage of the coastwide landings decreased greatly in 2020 relative to 2019 because the state’s largest fishery and processing plant was shut down for several weeks due to the COVID-19 pandemic.

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Table 2. State total landings as a percentage of coastwide (CW) landings, 2016-2020. Total landings include directed bait, reduction, IC/SSF, and EESA landings. Amendment 3 allocations for directed bait and reduction landings were implemented beginning in 2018. To protect confidentiality, information for New Hampshire, Pennsylvania, South Carolina, and Georgia have been removed.

State	Amendment 3 Directed Landings Allocations (%)	% of 2016 CW Landings	% of 2017 CW Landings	% of 2018 CW Landings	% of 2019 CW Landings	% of 2020 CW Landings
Maine	0.52%	1.50%	2.31%	3.48%	4.91%	6.33%
New Hampshire	0.50%				0.99%	1.02%
Massachusetts	1.27%	0.76%	0.96%	1.37%	1.51%	2.17%
Rhode Island	0.52%	0.00%	0.45%	0.17%	0.01%	0.05%
Connecticut	0.52%	0.02%	0.05%	0.20%	0.03%	0.03%
New York	0.69%	0.37%	0.40%	0.11%	0.21%	1.09%
New Jersey	10.87%	11.47%	12.15%	11.97%	10.96%	12.22%
Pennsylvania	0.50%					
Delaware	0.51%	0.02%	0.02%	0.04%	0.02%	0.04%
Maryland	1.89%	1.40%	0.76%	0.74%	0.73%	0.64%
PRFC	1.07%	0.63%	0.55%	0.79%	0.51%	0.54%
Virginia	78.66%	83.66%	82.08%	80.85%	79.93%	75.66%
North Carolina	0.96%	0.10%	0.20%	0.17%	0.12%	0.15%
South Carolina	0.50%					
Georgia	0.50%					
Florida	0.52%	0.07%	0.07%	0.06%	0.05%	0.06%

Since implementation of Amendment 3, the number of quota transfers has increased over time with 7, 17, and 15 quota transfers occurring in 2018, 2019, and 2020, respectively. Over this timeframe, all but three states were involved in either giving or receiving quota. However, not every state transferred quota consistently; only Maine, Connecticut, New York, Maryland, and Florida either gave or received quota every year from 2018-2020. Maine, New Hampshire, and Massachusetts had a net increase in quota through transfers in all three years. The net increase in quota over the three years ranged from 1.3 to 6.57 million pounds (Table 3). While the transfer of quota away from a state does not necessarily represent a decrease in abundance of menhaden, the transfer of quota to the New England states has coincided with increasing availability of menhaden regionally and the need for bait fish as the availability of Atlantic herring has decreased.

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Table 3. Quota transfers in pounds by state for 2013-2020.

State	2013	2014	2015	2016	2017	2018	2019	2020	2018-2020 Net Total	2018-2020 Average
ME				+1,800,000	+195,180	+5,400,000	+6,573,592	+5,450,000	+1,742,3592	+5,807,864
NH							+3,373,592	+2,300,000	+5,673,592	+1,891,197
MA	-500,000	-260,000	-508,685	-35,986			+1,300,000	+2,350,000	+3,650,000	+1,216,667
RI	+15,000	+50,000	+33,685	+35,986			-400,000	-1,800,000	-2,200,000	-733,333
CT						-500,000	-2,400,000	-2,000,000	-4,900,000	-1,633,333
NY	+1,000,000	+210,000	+475,000	+492,823	+300,000	-1,000,000	-1,900,000	+500,000	-2,400,000	-800,000
NJ										
PA								-500,000	-500,000	-166,667
DE						-150,000		-100,000	-250,000	-83,333
MD						-1,500,000	-1,000,000	-1,350,000	-3,850,000	-1,283,333
PRFC										
VA				-1,500,000		-1,000,000	-1,000,000		-2,000,000	-666,667
NC	-575,000			-877,823	-495,180		-600,000	-1,800,000	-2,400,000	-800,000
SC							-2,347,184	-1,650,000	-3,997,184	-1,332,395
GA										
FL	+60,000			+85,000		-1,250,000	-1,600,000	-1,400,000	-4,250,000	-1,416,667

2.2.2 Episodic Event Set Aside Program (EESA)

The EESA Program was first implemented under Amendment 2 and clarified under Technical Addendum I later that year. Amendment 3 made no additional changes to the program. Annually, 1% of the TAC is set aside for episodic events, which are defined as any instance in which a qualified state has reached its quota allocation prior to September 1st and the state can prove the presence of unusually large amounts of menhaden in its state waters. To demonstrate a large amount of menhaden in state waters, a state can use surveys (e.g., aerial, seine) to indicate high biomass; landings information; or information highlighting the potential for fish kills, associated human health concerns, and that harvest would reduce or eliminate the fish kill. The goal of the program is to add flexibility in managing menhaden by allowing harvest during an episodic event, reduce discards, and prevent fish kills. States eligible to participate in the EESA program are limited to Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, and New York. When a state declares into the EESA, they are required to implement daily trip level harvester reporting and submit weekly reports to the ASMFC; restrict harvest and landings to state waters; and implement a maximum daily trip limit no greater than 120,000 pounds per vessel.

From 2013 through July 2021, the EESA has been used by Maine (6 years), Rhode Island (5 years), Massachusetts (2 years), and New York (2 years). Up to three states have participated at the same time. The starting date of states declaring into the program has ranged from mid-May to mid-August, with New York and Rhode Island opting in earlier than Maine and Massachusetts. Over 90% of the set-aside has been used in all years since 2016. In 2018 and 2019, Maine was the only state to declare into the EESA program and landed approximately 4.6 and 4.4 million pounds, respectively. In 2020, Maine and Massachusetts declared into the EESA program and combined the two states landed approximately 4.5 million pounds. Multiple states

have implemented harvest control measures beyond the FMP’s 120,000-pound trip limit, including: lower daily landings limits, weekly limits, limited landing days, and biomass thresholds for when the commercial fishery can operate.

The increasing reliance on the EESA program by some states has coincided with the decline in Atlantic herring and the increased availability of Atlantic menhaden in the Gulf of Maine. For more than a hundred years, there is evidence that periodic abundance of menhaden in the Gulf of Maine may last from 1 to 20 years then disappear for 1 to 20 years (Figure 1). In order to use the EESA and minimize disruptions to fishing activities, some states have sought creative ways at keeping their directed fishery open. In 2021, a number of states requested quota transfers as a group while fishing in the EESA, allowing for multiple quota transfers to be processed while the states continued to participate in the EESA program, in an effort to enable their directed fishery to resume after exiting the EESA with minimal interruption.

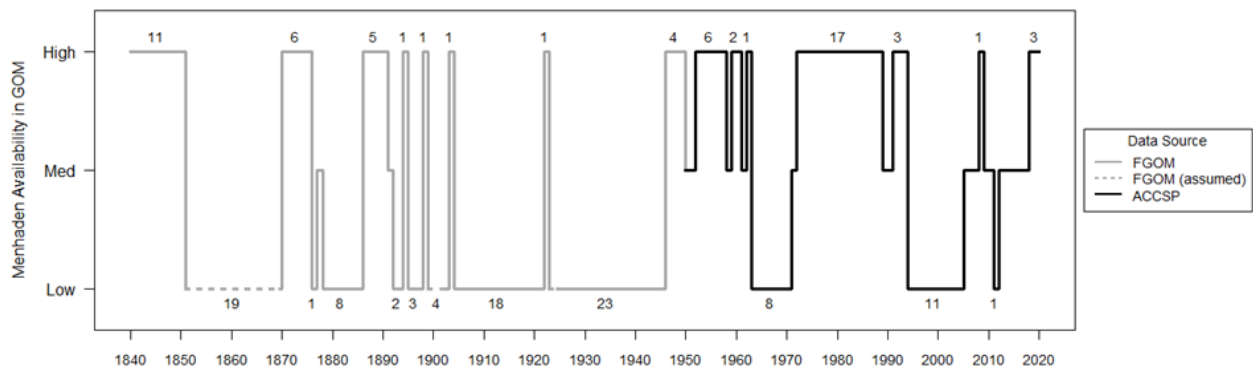


Figure 1. Reconstructed history of availability of Atlantic menhaden to the Gulf of Maine. The number of consecutive years in either a “High” or “Low” availability state are labeled. Data sources: *Fishes of the Gulf of Maine* (Bigelow and Schroeder 2002) and the Atlantic Coastal Cooperative Statistics Program (ACCSP).

2.2.3 Incidental Catch and Small-Scale Fisheries (IC/SSF)

A bycatch allowance was first implemented under Amendment 2, modified under Addendum I to Amendment 2 (2016), and modified again under Amendment 3. As outlined in Amendment 3, under the IC/SSF provision, after a state’s allocation is met, small-scale directed and non-directed gear types may continue to land up to 6,000 pounds of menhaden per trip per day. The following gear types are identified in Amendment 3 as eligible to participate:

Small-scale gears: cast nets, traps (excluding floating fish traps), pots, haul seines, fyke nets, hook and line, bag nets, hoop nets, hand lines, trammel nets, bait nets, and purse seines which are smaller than 150 fathoms long and 8 fathoms deep.

Non-directed gears: pound nets, anchored/stake gillnets, drift gill net, trawls, fishing weirs, fyke nets, and floating fish traps.

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Since Amendment 2, not all states transition from a directed fishery to an incidental catch or small-scale fishery under the same conditions. Both New Jersey and Virginia subdivide their quotas among sectors and have done so since state quotas were implemented in 2013. Virginia allocates its annual quota to three sectors: the reduction sector, the purse seine bait sector, and the non-purse seine bait sector. New Jersey allocates the majority of its annual quota to the purse-seine fishery, and the remaining quota is allocated to all other gear types. Once the non-purse seine bait sector or “other gears” fishery has harvested its portion of the state’s allocation, that fishery moves into an IC/SSF regardless of whether the entire state’s quota has been harvested. This has resulted in Virginia and New Jersey reporting IC/SSF landings when they have not harvested their overall quota allocation for a given year. Since the inception of the IC/SSF provision, both states have reported landings following the closure of Virginia’s non-purse seine bait fishery and New Jersey’s “other gears” fishery as IC/SSF.

Prior to 2016, several states’ IC/SSF landings are considered confidential, therefore only information from 2016-2020 is included in Table 4. From 2016-2020, 11 different states have had IC/SSF landings, with the most number of states (8) reporting IC/SSF in a year occurring in 2016 and the fewest (1) occurring in 2019. The annual coastwide total IC/SSF landings ranged from approximately 2.1 million pounds to 13.9 million pounds. The highest amount occurred in 2020, when Maine landed the majority at 13.6 million pounds, representing 53% of Maine’s total landings that year. From 2016-2017 and 2018-2019, landings in this category increased by over 200%, with Maine being the only state with IC/SSF landings in 2019. From 2018-2020, the TAC remained constant at 216,000 mt while IC/SSF landings as a percentage of the annual TAC rose from less than 1% (2018) to nearly 3% (2020).

Table 4. IC/SSF landings in pounds from 2017-2020. Only states with these landings in this time period are included in the table. Source: state compliance reports

State	2016	2017	2018	2019	2020
Maine		5,373,940	2,995,145	10,750,929	13,605,497
Massachusetts		0	0	0	49,350
Rhode Island	39,540	135,748	0	0	0
Connecticut		126,986	0	0	0
New York	281,017	807,392	0	0	282,169
New Jersey	195,523	0	204,240	0	20,190
Delaware	20,823	29,285	0	0	0
Maryland	995,698				
PRFC	105,669	670,447	0	0	0
Virginia	325,692	0	110,281	0	0
Florida	111,165	263,643	0	0	0
Total	2,075,127	7,407,441	3,309,666	10,750,929	13,957,206
Percent Change		257%	-55%	225%	30%

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Since 2013, a majority of landings under this provision occur on trips that land either 1,000 pounds or less (56%), or greater than 5,000 pounds but less than 6,000 pounds (19%). However, landings per trip has increased in recent years (in 2020, 24% of trips < 1,000 pounds; 49% of trips >5,000 pounds; Figure 2). The majority of these landings have been caught by purse seine (80%), followed by fixed gill nets (12%). The share of IC/SSF landings using purse seine gear has increased from 57% in 2017 to approximately 88% in 2019 and 2020 (Table 5).

Figure 2. Percent of incidental trips by size in pounds, 2013-2020. Source: state compliance reports

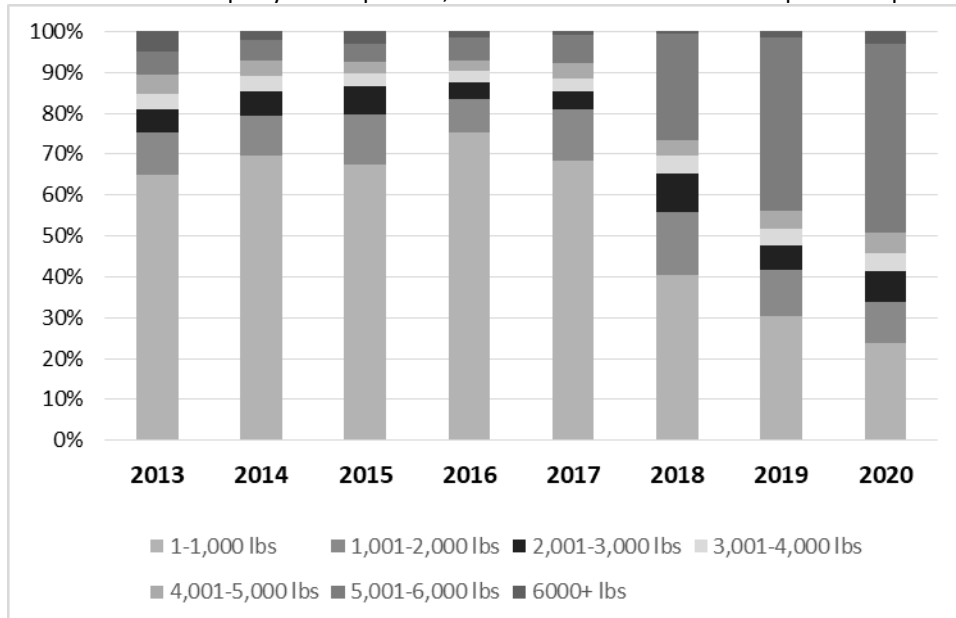


Table 5. Annual summary of total IC/SSF landings in pounds as a fraction of coastwide TAC; and the fraction of total IC/SSF landings coming from small-scale directed purse seine fishing. Source: state compliance reports

Year	Total landings	% of TAC	Landings from purse seine	% from purse seine
2013	4,376,741	1.2%	0	0%
2014	6,831,462	1.9%	0	0%
2015	5,991,612	1.5%	0	0%
2016	2,075,127	0.5%	0	0%
2017	7,407,441	1.8%	4,291,347	58%
2018	3,290,066	0.7%	2,419,194	74%
2019	10,750,929	2.4%	9,545,747	89%
2020	13,957,206	3.1%	12,332,677	88%

3. PROPOSED MANAGEMENT PROGRAM

This addendum considers modifying the following components of the management program: 1) commercial allocations, 2) IC/SSF provision, and the 3) EESA program. An objective is listed for each component to guide evaluation of proposed options for addressing the issues identified in the statement of the problem. The Plan Development Team (PDT) has marked some management options with * which indicates options the PDT recommends the Board eliminate to focus on key solutions and reduce the complexity of the document. Taking these steps will ensure the public will be able to understand and comment on proposed changes to the management program more effectively. Recommendations can be found in an accompanying memo (M22-05).

3.1 Commercial Allocation

Objective: Allocations should be adjusted to 1) align with the availability of the resource 2) enable state to maintain current directed fisheries with minimal interruptions during the season; 3) reduce the need for quota transfers and; 4) fully use the annual TAC without overage.

To account for the various combinations of allocation methods and timeframes the following management options have been divided into two steps. The first step outlines the method for setting the minimum allocation, and the second step outlines the approach used to allocate the remaining TAC. An option must be chosen in each step to complete an allocation package. Options under each of the following steps were developed using total landings information including quota transfers, landings under the IC/SSF or EESA program.

Step 1:

3.1.1 Allocation options for addressing the minimum allocation.

The current fixed minimum allocation of 0.5% has been consistently underutilized by several states, with some states transferring or relinquishing some or all of their quota, and others keeping their unused quota. The Amendment 3 provisions of EESA, IC/SSF, and quota transfers have been utilized every year since the Amendment was implemented, indicating the latent quota created by the fixed minimum could be adjusted to reduce reliance on these provisions. Some states have highly variable landings, which will likely lead to them rarely exceeding their allocation under some allocation option below. It is important to keep in mind nearly all states have the potential to reach their quota prior to the end of the year under any allocation strategy under the current TAC.

Option 1. Status Quo: Each state is allocated a 0.5% fixed minimum quota. Total TAC assigned under this option is 8.0% (i.e. 16 states x 0.50%= 8%).

Option 2. Two-tiered fixed minimum approach: This option would assign states into one of two tiers (0.01% or 0.50%) based on total landings. This approach would reduce

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latent quota, but not reduce the percent allocation to states currently using their fixed minimum quota. The states of Pennsylvania, Delaware, South Carolina, Georgia, and Florida would be included in tier one and receive 0.01%, and the remaining states would be in tier two and receive 0.5% of the TAC. The five states in tier one have consistent small scale, bycatch fisheries, or have harvested no menhaden from 2009-2020. The 0.01% allocation coupled with the timeframe allocation assigned in Step 2 below would have covered their limited landings from 2009-2020 under most combinations. The few instances of overages would have been minor, and could have been accounted for in the current IC/SSF provision, with little increase to total landings under that provision. Total TAC assigned under this option is 5.55% (i.e., 5 states x 0.01% + 11 states x 0.50% = 5.55%).

Option 3. Three-tiered fixed minimum approach: This option would assign states into three tiers (0.01%, 0.25%, or 0.50%) based on total landings. This approach further reduces latent quota compared to Option B. The states of Pennsylvania, Delaware, South Carolina, Georgia, and Florida would be included in tier one and receive 0.01%. Tier two includes Connecticut, New York, and North Carolina, with each state receiving 0.25%. The remaining states would be in tier three and receive 0.5% of the TAC. The five states in tier one have consistent small-scale, bycatch fisheries, or have harvested no Atlantic menhaden from 2009-2020. The 0.01% coupled with the timeframe allocation assigned in Step 2 below would have covered their limited landings from 2009-2020 under most combinations. Depending on the selection made in Step 2 below, the tier two states would have had sufficient quota to cover their landings every year from 2009-2020, except for New York and North Carolina. Each state could have had up to one year that would have not been covered, but in nearly all other years they would have used less than half of their allocation. Total TAC assigned under this option is 4.8% (i.e., 5 states x 0.01% + 3 states * 0.25% + 8 states * 0.50% = 4.8%).

Step 2:

3.1.2 Timeframes to base allocating the remaining TAC.

Option 1. Status Quo: Three-year average of landings from 2009-2011. This option only incorporates landings from a short unregulated time period and does not reflect current Atlantic menhaden distribution or fishery performance.

Option 2. 2009-2020*: The quota allocation timeframe is based on the average landings from 2009 to 2020. This timeframe includes the 12 most recent years of data and encompasses years before and after the implementation of a quota system. This option may dilute more recent changes in the fishery given the rate of change in landings, and may not reduce the need for transfers and reliance on the EESA program and IC/SSF provision.

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Option 3. 2018-2020

The quota allocation timeframe is based on the most recent average landings from 2018 to 2020. This timeframe reflects the most recent landings history and is more likely to align with current stock distribution, but does not reflect previous stock distribution or fishery performance.

Option 4. Second Highest Year*

This option uses each state's second highest landing year from 2009- 2020 divided by the sum of all states second highest year of landings during that time period to determine a state's allocation. The idea behind this option is that the second highest year of landings may be less of a historical outlier than the year with the highest landings and therefore better represent each state's fisheries needs when Atlantic menhaden are available to them. The approach does base allocations on a total harvest that is much greater than the current TAC and a theoretical stock distribution that likely never existed. Lastly, states with more inter-annual variability in landings are likely to receive higher allocations than they can use in most years.

Option 5. Moving Average

This option uses a three-year moving average to annually adjust allocations as the stock and fishery dynamics change. The three-year average is lagged to allow for finalizing data and time to inform states of their quota (i.e. 2019-2021 average used to set 2023 allocation). This option continually adjusts allocations to recent stock distribution and fishery performance, potentially reducing the need for reallocating in the future.

Option 6. Weighted Time Frames

These options consider both recent and historical timeframes with sub-options of different weighting values. These options are similar to a long term average but focus on a shorter overall timeframe, and can emphasize either more recent or historical fishery performance.

- 6A. Weighted Allocation Timeframe #1 (2009-2011 and 2018-2020) includes the three most recent years and the first three years of quality bait fishery data during the unregulated time period.
 - Sub-Option 1. 25% 2009-2011 / 75% 2018-2020 – This weighting strategy emphasizes the more recent timeframe.
 - Sub-Option 2. 50% 2009-2011 / 50% 2018-2020 – This strategy weights both timeframes evenly.
 - Sub-Option 3. 75% 2009-2011 / 25% 2018-2020 - This weighting strategy emphasizes the older timeframe.
- 6B. Weighted Allocation Timeframe #2* (2009-2012 and 2017-2020) includes the four most recent years and the first four years of quality bait fishery data during the unregulated time period.
 - Sub-Option 1. 25% 2009-2012 / 75% 2017-2020– This weighting strategy emphasizes the more recent timeframe.

Draft Addendum I to Amendment 3 for Board Review. Not for Public Comment

Sub-Option 2. 50% 2009-2012 / 50% 2017-2020 – This strategy weights both timeframes evenly.

Sub-Option 3. 75% 2009-2012 / 25% 2017-2020 - This weighting strategy emphasizes the older timeframe.

Table 6. A1-4. Percent annual allocation by state using the 0.5% fixed minimum (Step 1, Option A) allocation and the 2009-2011, 2009-2020, 2018-2020 and second highest year timeframes (Step 2, Options 1-4).

State	Timeframe			A4 Second Highest Year
	A1 Status Quo 2009-2011	A2 2009-2020	A3 2018-2020	
ME	0.52%	1.90%	5.00%	4.37%
NH	0.50%	0.66%	1.14%	1.21%
MA	1.27%	1.38%	2.04%	1.69%
RI	0.52%	0.61%	0.57%	0.80%
CT	0.52%	0.53%	0.58%	0.53%
NY	0.69%	0.79%	0.92%	0.77%
NJ	10.87%	11.54%	11.25%	13.23%
PA	0.50%	0.50%	0.50%	0.50%
DE	0.51%	0.52%	0.53%	0.53%
MD	1.89%	1.82%	1.15%	1.83%
PRFC	1.07%	1.15%	1.06%	1.07%
VA	78.66%	76.32%	73.07%	71.05%
NC	0.96%	0.73%	0.63%	0.86%
SC	0.50%	0.50%	0.50%	0.50%
GA	0.50%	0.50%	0.50%	0.50%
FL	0.52%	0.55%	0.55%	0.55%

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Table 7. A5. Percent annual allocation by state using the 0.5% fixed minimum allocation (Step 1, Option A) and the three year moving average allocation (Step 2, Option 5), as it would have changed through time, and the year the timeframe would have been used to set allocations.

State	2009-2011	2010-2012	2011-2013	2012-2014	2013-2015	2014-2016	2015-2017	2016-2018	2017-2019	2018-2020
ME	0.52%	0.51%	0.51%	0.51%	0.51%	0.97%	1.64%	2.76%	3.85%	5.00%
NH	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.52%	0.85%	1.14%
MA	1.27%	0.91%	0.77%	0.95%	1.09%	1.13%	1.24%	1.46%	1.69%	2.04%
RI	0.52%	0.52%	0.52%	0.55%	0.71%	0.72%	0.82%	0.71%	0.69%	0.57%
CT	0.52%	0.51%	0.51%	0.51%	0.51%	0.51%	0.53%	0.59%	0.59%	0.58%
NY	0.69%	0.67%	0.68%	0.70%	0.77%	0.79%	0.85%	0.77%	0.72%	0.92%
NJ	10.93%	13.45%	13.94%	12.81%	10.67%	10.89%	11.25%	11.41%	11.23%	11.25%
PA	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%
DE	0.51%	0.52%	0.52%	0.53%	0.53%	0.53%	0.52%	0.52%	0.52%	0.53%
MD	1.90%	2.18%	2.33%	2.52%	2.16%	2.02%	1.71%	1.38%	1.18%	1.15%
PRFC	1.07%	1.20%	1.30%	1.41%	1.23%	1.15%	1.06%	1.11%	1.06%	1.06%
VA	78.60%	76.18%	75.57%	76.30%	78.57%	78.04%	77.15%	76.08%	74.92%	73.07%
NC	0.96%	0.83%	0.80%	0.64%	0.68%	0.67%	0.66%	0.64%	0.65%	0.63%
SC	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%
GA	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%
FL	0.52%	0.52%	0.54%	0.55%	0.57%	0.57%	0.57%	0.56%	0.55%	0.55%
Year in Use	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022

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Table 8. A6. Percent annual allocation by state using the 0.5% fixed minimum allocation (Step 1, Option A) and weighted timeframe options. Each of the two timeframe combinations of 2009-2011/2018-2020 (Step 2, Option 6A), and 2009-2012/2017-2020 (Step 2, Option 6B) are weighted 25% earlier /75% recent (Sub-Option 1), 50% recent /50% earlier (Sub-Option 2) and 75% earlier/ 25% recent (Sub-Option 3).

State	2009-2011/2018-2020			2009-2012/2017-2020		
	A6:A-1 25%/75%	A6:A-2 50%/50%	A6:A-3 75%/25%	A6:B-1 25%/75%	A6:B-2 50%/50%	A6:B-3 75%/25%
ME	3.88%	2.76%	1.64%	3.47%	2.48%	1.50%
NH	0.98%	0.82%	0.66%	0.87%	0.74%	0.62%
MA	1.85%	1.66%	1.46%	1.70%	1.52%	1.33%
RI	0.56%	0.54%	0.53%	0.62%	0.58%	0.55%
CT	0.56%	0.55%	0.53%	0.56%	0.54%	0.53%
NY	0.86%	0.81%	0.75%	0.85%	0.79%	0.74%
NJ	11.17%	11.09%	11.01%	11.60%	11.85%	12.10%
PA	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%
DE	0.52%	0.52%	0.52%	0.52%	0.52%	0.52%
MD	1.34%	1.53%	1.71%	1.42%	1.68%	1.94%
PRFC	1.06%	1.07%	1.07%	1.09%	1.13%	1.17%
VA	74.46%	75.84%	77.22%	74.56%	75.36%	76.16%
NC	0.71%	0.79%	0.88%	0.70%	0.75%	0.81%
SC	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%
GA	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%
FL	0.54%	0.53%	0.53%	0.55%	0.54%	0.53%

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Table 9. B1-4. Percent annual allocation by state using the two tier minimum (Step 1, Option B) allocation and the 2009-2011, 2009-2020, 2018-2020 and second best year timeframes (Step 2, Options 1-4).

State	Timeframe			B4 Second Best Year
	B1 2009-2011	B2 2009-2020	B3 2018-2020	
ME	0.52%	1.94%	5.12%	4.48%
NH	0.50%	0.66%	1.15%	1.23%
MA	1.29%	1.40%	2.08%	1.72%
RI	0.52%	0.61%	0.57%	0.81%
CT	0.52%	0.53%	0.58%	0.54%
NY	0.70%	0.80%	0.93%	0.77%
NJ	11.21%	11.84%	11.54%	13.57%
PA	0.01%	0.01%	0.01%	0.01%
DE	0.02%	0.03%	0.04%	0.04%
MD	1.94%	1.85%	1.17%	1.87%
PRFC	1.09%	1.17%	1.08%	1.08%
VA	80.68%	78.34%	75.01%	72.93%
NC	0.97%	0.73%	0.64%	0.87%
SC	0.01%	0.01%	0.01%	0.01%
GA	0.01%	0.01%	0.01%	0.01%
FL	0.03%	0.06%	0.06%	0.06%

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Table 10. B5. Percent annual allocation by state using the two tier minimum allocation (Step 1, Option B) and the three year moving average allocation (Step 2, Option 5), as it would have changed through time, and the year the timeframe would have been used to set allocations.

State	2009-2011	2010-2012	2011-2013	2012-2014	2013-2015	2014-2016	2015-2017	2016-2018	2017-2019	2018-2020
ME	0.52%	0.51%	0.51%	0.51%	0.51%	0.98%	1.67%	2.82%	3.94%	5.12%
NH	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.52%	0.86%	1.15%
MA	1.29%	0.92%	0.78%	0.97%	1.10%	1.15%	1.26%	1.48%	1.73%	2.08%
RI	0.52%	0.52%	0.52%	0.55%	0.72%	0.73%	0.82%	0.72%	0.69%	0.57%
CT	0.52%	0.51%	0.51%	0.51%	0.51%	0.51%	0.53%	0.59%	0.59%	0.58%
NY	0.70%	0.67%	0.69%	0.71%	0.78%	0.80%	0.85%	0.77%	0.72%	0.93%
NJ	11.21%	13.80%	14.29%	13.14%	10.94%	11.17%	11.54%	11.70%	11.51%	11.54%
PA	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%
DE	0.02%	0.03%	0.03%	0.04%	0.05%	0.04%	0.03%	0.04%	0.03%	0.04%
MD	1.94%	2.23%	2.38%	2.58%	2.20%	2.06%	1.74%	1.41%	1.20%	1.17%
PRFC	1.09%	1.22%	1.33%	1.44%	1.25%	1.16%	1.08%	1.12%	1.08%	1.08%
VA	80.68%	78.20%	77.57%	78.32%	80.65%	80.11%	79.19%	78.09%	76.90%	75.01%
NC	0.97%	0.84%	0.81%	0.64%	0.68%	0.67%	0.66%	0.65%	0.65%	0.64%
SC	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%
GA	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%
FL	0.03%	0.03%	0.05%	0.06%	0.08%	0.08%	0.08%	0.07%	0.07%	0.06%
Year in Use	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022

Draft Addendum I to Amendment 3 for Board Review. Not for Public Comment

Table 11. B6. Percent annual allocation by state using the two tier minimum allocation (Step 1, Option B) and weighted time frame options. Each of the two timeframe combinations of 2009-2011/2018-2020 (Step 2, Option 6A), and 2009-2012/2017-2020 (Step 2, Option 6B) are weighted 25% earlier /75% recent (Sub-Option 1), 50% recent /50% earlier (Sub-Option 2) and 75% earlier/ 25% recent (Sub-Option 3).

State	2009-2011/2018-2020			2009-2012/2017-2020		
	B6:A1 25%/75%	B6:A2 50%/50%	B6:A3 75%/25%	B6:B1 25%/75%	B6:B2 50%/50%	B6:B3 75%/25%
ME	3.97%	2.82%	1.67%	3.55%	2.54%	1.52%
NH	0.99%	0.83%	0.66%	0.88%	0.75%	0.63%
MA	1.88%	1.69%	1.49%	1.74%	1.55%	1.36%
RI	0.56%	0.55%	0.53%	0.62%	0.59%	0.55%
CT	0.57%	0.55%	0.53%	0.56%	0.54%	0.53%
NY	0.87%	0.81%	0.75%	0.86%	0.80%	0.74%
NJ	11.46%	11.37%	11.29%	11.90%	12.15%	12.41%
PA	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%
DE	0.04%	0.03%	0.03%	0.03%	0.03%	0.03%
MD	1.36%	1.55%	1.75%	1.45%	1.71%	1.98%
PRFC	1.08%	1.08%	1.09%	1.10%	1.15%	1.19%
VA	76.42%	77.84%	79.26%	76.53%	77.35%	78.18%
NC	0.72%	0.80%	0.89%	0.70%	0.76%	0.82%
SC	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%
GA	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%
FL	0.05%	0.05%	0.04%	0.06%	0.05%	0.04%

Draft Addendum I to Amendment 3 for Board Review. Not for Public Comment

Table 12. C1-4. Percent annual allocation by state using the three tier minimum (Step 1, Option C) allocation and the 2009-2011, 2009-2020, 2018-2020 and second highest year timeframes (Step 2, Options 1-4).

State	Timeframe			C4 Second Highest Year
	C1 2009-2011	C2 2009-2020	C3 2018-2020	
ME	0.52%	1.95%	5.16%	4.51%
NH	0.50%	0.67%	1.16%	1.23%
MA	1.30%	1.41%	2.09%	1.73%
RI	0.52%	0.61%	0.57%	0.81%
CT	0.27%	0.28%	0.33%	0.29%
NY	0.45%	0.55%	0.68%	0.53%
NJ	11.29%	11.93%	11.63%	13.68%
PA	0.01%	0.01%	0.01%	0.01%
DE	0.02%	0.03%	0.04%	0.04%
MD	1.95%	1.87%	1.17%	1.88%
PRFC	1.09%	1.17%	1.08%	1.09%
VA	81.32%	78.96%	75.60%	73.50%
NC	0.72%	0.49%	0.39%	0.63%
SC	0.01%	0.01%	0.01%	0.01%
GA	0.01%	0.01%	0.01%	0.01%
FL	0.03%	0.06%	0.06%	0.06%

Draft Addendum I to Amendment 3 for Board Review. Not for Public Comment

Table 13. C5. Percent annual allocation by State using the three tier minimum allocation (Step 1, Option C) and the three year moving average allocation (Step 2, Option 5), as it would have changed through time, and the year the timeframe would have been used to set allocations.

State	2009-2011	2010-2012	2011-2013	2012-2014	2013-2015	2014-2016	2015-2017	2016-2018	2017-2019	2018-2020
ME	0.52%	0.51%	0.51%	0.51%	0.51%	0.99%	1.68%	2.83%	3.97%	5.16%
NH	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.52%	0.86%	1.16%
MA	1.30%	0.92%	0.78%	0.97%	1.11%	1.15%	1.27%	1.49%	1.74%	2.09%
RI	0.52%	0.52%	0.52%	0.55%	0.72%	0.73%	0.83%	0.72%	0.69%	0.57%
CT	0.27%	0.26%	0.26%	0.26%	0.26%	0.26%	0.28%	0.34%	0.34%	0.33%
NY	0.45%	0.42%	0.44%	0.46%	0.53%	0.55%	0.61%	0.53%	0.48%	0.68%
NJ	11.29%	13.90%	14.40%	13.24%	11.02%	11.25%	11.63%	11.79%	11.60%	11.63%
PA	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%
DE	0.02%	0.03%	0.03%	0.04%	0.05%	0.04%	0.03%	0.04%	0.03%	0.04%
MD	1.95%	2.24%	2.40%	2.59%	2.21%	2.07%	1.75%	1.42%	1.21%	1.17%
PRFC	1.09%	1.23%	1.33%	1.45%	1.25%	1.17%	1.08%	1.13%	1.08%	1.08%
VA	81.32%	78.82%	78.19%	78.94%	81.29%	80.74%	79.82%	78.71%	77.51%	75.60%
NC	0.72%	0.59%	0.57%	0.40%	0.44%	0.43%	0.41%	0.40%	0.40%	0.39%
SC	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%
GA	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%
FL	0.03%	0.03%	0.05%	0.06%	0.08%	0.08%	0.08%	0.07%	0.07%	0.06%
Year in Use	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022

Draft Addendum I to Amendment 3 for Board Review. Not for Public Comment

Table 14. C6. Percent annual allocation by state using the three tier minimum allocation (Step 1, Option C) and weighted timeframe options. Each of the two timeframe combinations of 2009-2011/2018-2020 (Step 2, Option 6A), and 2009-2012/2017-2020 (Step 2, Option 6B) are weighted 25% earlier /75% recent (Sub-Option 1), 50% recent /50% earlier (Sub-Option 2) and 75% earlier/ 25% recent (Sub-Option 3).

State	2009-2011/2018-2020			2009-2012/2017-2020		
	C6:A1 25%/75%	C6:A2 50%/50%	C6:A3 75%/25%	C6:B1 25%/75%	C6:B2 50%/50%	C6:B3 75%/25%
ME	4.00%	2.84%	1.68%	3.57%	2.55%	1.53%
NH	0.99%	0.83%	0.66%	0.88%	0.75%	0.63%
MA	1.90%	1.70%	1.50%	1.75%	1.55%	1.36%
RI	0.56%	0.55%	0.53%	0.62%	0.59%	0.55%
CT	0.32%	0.30%	0.28%	0.31%	0.29%	0.28%
NY	0.63%	0.57%	0.51%	0.61%	0.55%	0.49%
NJ	11.54%	11.46%	11.37%	11.99%	12.25%	12.50%
PA	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%
DE	0.04%	0.03%	0.03%	0.03%	0.03%	0.03%
MD	1.37%	1.56%	1.76%	1.45%	1.72%	1.99%
PRFC	1.08%	1.09%	1.09%	1.11%	1.15%	1.19%
VA	77.03%	78.46%	79.89%	77.13%	77.96%	78.80%
NC	0.47%	0.55%	0.64%	0.46%	0.51%	0.57%
SC	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%
GA	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%
FL	0.05%	0.05%	0.04%	0.06%	0.05%	0.04%

3.2 EESA Program

Objective: Ensure sufficient access to episodic changes in regional availability in order to minimize in-season disruptions and reduce the need for quota transfers and IC/SSF landings.

3.2.1 Increase the Set-Aside

Goal: In combination with reallocation or separately, ensure the states of Maine to New York have increased bait quota for this program to reduce the need for in-season quota transfers or reliance on the IC/SSF provision in response to the increased presence of Atlantic menhaden biomass in the Northeast.

For both Options 1 and 2, the mandatory provisions, declaring participation, procedure for unused set aside, and procedure for set aside overages (Sections 4.3.6.1- 4.3.6.4) as outlined in Amendment 3 (Section 4.3.6.3) will remain in effect.

Draft Addendum I to Amendment 3 for Board Review. Not for Public Comment

Option 1. Status Quo (1%) – The EESA would remain at 1% of the total coastwide TAC. Should any quota remain unused after October 31st, annually, it would revert back into the common pool.

Option 2. Increase up to 5% - This option would allow the Board to increase the EESA to a specific percentage greater than 1% and less than or equal to 5%. The designated percentage of EESA would be subtracted from the total coastwide TAC prior to the distribution of allocation to states. Depending upon the option(s) chosen under Section 3.1, re-adjusting the fixed minimum quota could offset the possible increase in the EESA (see note below).

Note (only applies if a tiered minimum approach is selected): The 0.5% fixed minimum from Amendment 3 allocated 8.0% of the TAC prior to timeframe based allocation of state quotas. If the fixed minimum was replaced by either the two-tiered or three-tiered minimum allocation strategy, the 8.0% would be reduced to 5.55% (two-tiered) or 4.80% (three-tiered), respectively. The amount of quota left by selecting either of these tiered options, 2.45% (two-tiered) or 3.20% (three-tiered), could be applied to an increase in the EESA, should that option be selected.

3.2.2 Establish the Set-Aside during Specifications

Goal: To allow more flexibility in managing the EESA depending on states' allocations and reduce the need for quota transfers, the following includes options to set the EESA during the TAC-setting process, rather than through adaptive management as outlined in Amendment 3.

Option 1. No change in Amendment 3 language (Status Quo): The percentage of quota for the EESA program is established through this addendum, and will be maintained until adjusted by the Board through an addendum under adaptive management (Amendment 3, Section 4.6).

Option 2. Set the EESA during Specifications at an amount between 1-5%: Under this option the Board will be set the EESA at an amount between 1 to 5% during the Specification process as part of approving the TAC. The TAC and EESA may be set annually or on a multi-year basis depending on Board action.

3.3 IC/SSF Provision

Objective: Sufficiently constrain landings to achieve overall management goals of: 1) meeting the needs of existing fisheries, 2) reducing discards, and 3) indicating when landings can occur and if those landings are a part of the directed fishery.

In this section, there are five sub-topics to address IC/SSF landings. They include proposed changes to the timing of when states can begin landing under this provision (3.3.1); permitted

Draft Addendum I to Amendment 3 for Board Review. Not for Public Comment

gear types (3.3.2); changes to the IC/SSF trip limit (3.3.3); considering a new accountability system for IC/SSF landings (3.3.4); and changes to when states can access the EESA (3.3.5).

3.3.1 Timing of IC/SSF Provision

Goal: Address the timing of when a state begins fishing under the provision since it impacts the duration that landings occur.

Option 1. No change (Status quo): Once a quota allocation is reached for a given state, the fishery moves to an incidental catch fishery. Currently, individual states interpret “after a quota allocation is met for a given state” differently (i.e., whether this refers to the entire allocation or a sector, fishery, or gear allocation).

Option 2. Sector/fishery/gear type allocation within a state is met: Currently, states such as New Jersey and Virginia further divide their state allocation into sector and gear type specific allocations. The provision would confirm that once a sector/fishery/gear type specific allocation is reached for a state, that state’s sector/fishery/gear type fishery can begin landing catch under the provision.

Option 3. Entire states allocation met: Once the entire quota allocation for a given state is reached, regardless of sector/fishery/gear type fishery allocations, the menhaden fishery moves to landing under the IC/SSF provision.

Option 4. Full closure when allocation met, no IC/SSF provision: Once the entire quota allocation for a given state is reached, regardless of sector/fishery/gear type fishery allocations, the menhaden fishery is closed, and no landings of menhaden are permitted by that state. If this option is selected, Sections D, E, and F below are no longer needed.

3.3.2 Permitted Gear Types of the of IC/SSF Provision

Goal: Address the volume of landings under the provision by removing specific gear types

Option 1. No changes to permitted gear types (Status quo): The provision would apply to both small-scale directed gears and non-directed gears. Small scale directed gears shall include cast nets, traps (excluding floating fish traps), pots, haul seines, fyke nets, hook and line, bag nets, hoop nets, hand lines, trammel nets, bait nets, and purse seines which are smaller than 150 fathoms long and eight fathoms deep. Non-directed gears include pound nets, anchored/stake gillnets, drift gill net, trawls, fishing weirs, fyke nets, and floating fish traps.

Option 2. No purse seines, all other small-scale and non-directed gears maintained: The provision would apply to both small-scale directed gears and non-directed gears, but exclude purse seine gears. This option is included due to the growth of directed landings from small-scale purse seine gears in recent years (Table 6). Landings from purse seine gears would count against a state’s directed fishery quota.

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Option 3. Non-directed gears only: The provision shall apply to non-directed gears only. Under Amendment 3 this includes pound nets, anchored/stake gillnets, drift gill net, trawls, fishing weirs, fyke nets, and floating fish traps.

3.3.3 Trip Limit for Directed Small-Scale Fisheries of IC/SSF Provision

Goal: Limit the annual volume of IC/SSF landings by reducing the trip limit.

The options below modify the trip limits for directed small-scale fisheries. Stationary multi-species gears are defined as pound nets, anchored/stake gill nets, fishing weirs, floating fish traps, and fyke nets. A trip is based on a calendar day such that no vessel may land menhaden more than once in a single calendar day. The use of multiple carrier vessels per trip to offload any bycatch exceeding the daily trip limit of Atlantic menhaden is prohibited. If Option D3 was selected above, this section is no longer needed.

Option 1. No change to trip limit (Status quo): small-scale gears and non-directed gear types may land up to 6,000 pounds of menhaden per trip per day. Two authorized individuals, working from the same vessel fishing stationary multi-species gear, are permitted to work together and land up to 12,000 pounds from a single vessel – limited to one vessel trip per day.

For both Options 2 and 3 below, the proposed change in the trip limit would only apply to small-scale directed gears which include cast nets, traps (excluding floating fish traps), pots, haul seines, fyke nets, hook and line, bag nets, hoop nets, hand lines, trammel nets, bait nets, and purse seines which are smaller than 150 fathoms long and 8 fathoms deep. Non-directed gears and stationary multi-species gears would still be able to land up to 6,000 pounds of menhaden per trip per day, with two individuals working from the same vessel fishing stationary multi-species gear, permitted to work together can land up to 12,000 pounds.

Option 2. 4,500 pound trip limit for directed gear types: The trip limit for the directed small-scale fishery shall be 4,500 pounds of menhaden per trip per day.

Option 3. 3,000 pound trip limit for directed gear types: The trip limit for the directed small-scale fishery shall be 3,000 pounds of menhaden per trip per day.

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3.3.4 Catch Accounting of IC/SSF Provision*

Goal: Create a system where annual IC/SSF landings are limited and there is accountability for overages.

For Options 2-4, any adjustments to the TAC or possible IC/SSF set aside will not take effect in the following year if there is an overage. This is due to the timing of when preliminary landings are available, the fishing season, and the annual process of finalizing initial state quotas. For example, in Options 3 or 4, if reported 2022 total landings from state compliance reports exceeded the 2022 TAC or IC/SSF set-aside, then the TAC or set aside in 2024 would be reduced based on the overage.

Option 1. IC/SSF landings do not count against a state allocation nor the annual TAC (status quo): Landings under this provision will be reported as a part of the annual FMP Review (Amendment 3, Section 5.3: Compliance Report). Landings are reported by states to as a part of Annual Compliance Reports. Should a specific gear type show a continued and significant increase in landings under the provision, or it becomes clear that a non-directed gear type is directing on menhaden under this provision, the Board has the authority, through adaptive management (Amendment 3, Section 4.6), to alter the trip limit or remove that gear from the IC/SSF provision.

Option 2. Catch cap equal to 1% of the annual TAC and 10% exceedance management trigger: Landings under the IC/SSF provision shall have a catch cap equal to 1% of the TAC. The cap is not a set aside and landings would still not count against the TAC. Landings are reported by states to as a part of Annual Compliance Reports. If reported landings exceed the cap by more than 10% in a single year or exceeds the cap two years in a row (management trigger), regardless of the percent overage, the management trigger is reached and the Board must take action to reduce IC/SSF landings.

Option 3. 1% set-aside of the annual TAC with set-aside payback provision: Landings under this provision shall count against a 1% set-aside of the overall TAC set annually at the beginning of the fishing season. If the set aside is exceeded in a given year, the overage will be deducted on a pound-for-pound basis from the next subsequent year's set aside (e.g., an overage from 2022 would be applied to 2024 set-aside).

Option 4. Total landings with payback provision: Total landings under this provision would be evaluated against the annual TAC. If total landings exceed the TAC, the overage will be deducted on a pound-for-pound basis from the next subsequent year's TAC (e.g., an overage from 2022 would be applied to 2024 TAC).

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3.3.5 Allow access to EESA at <100% state allocation*

The following two options can only be chosen if under section 3.3.2 Permitted Gear Types Options 2 or 3 are selected.

States are currently required to fully use their allocated quota before entering the EESA program. Several states currently have small-scale purse seines that operate under their directed fishery and again under the IC/SSF provision once a state's quota has been fully harvested. Options 2 and 3 above under 3.3.2 Permitted Gear Types would remove small-scale purse seines from the IC/SSF provision. This could potentially cause negative impacts to current small-scale purse seine operations in several states. Allowing states the opportunity to fish under the EESA before reaching 100% of their directed fishery quota could allow for their directed small-scale purse seine fishery to continue without interruption or closure. Accounting for landings and determining whether to apply landings to the EESA or directed quota in-season if the quota is not fully met may be challenging.

Option 1. No change in when states can apply to participate in EESA (Status Quo). The following language from Amendment 3 will be maintained, with the exception of the percentage set aside if option B2 is chosen in Section 3.2 above:

1% of the TAC is set aside for episodic events, which are defined by any instance in which a qualified state has reached its annual quota allocation available to them prior to September 1 and the state can prove the presence of unusually large amounts of menhaden in its state waters

Option 2. Qualified states can begin fishing under the EESA once they have landed or are projected to land 95% of their quota. – Under this option, a state could participate in EESA without having fully used their allocation. The 5% reserve of a state's allocated quota could then to be used once the EESA has closed and allow a state to remain operating under directed landings rather than proceeding directly to the IC/SSF. The process for declaring participation into the EESA as outlined in Amendment 3 would be changed to the following:

The applying states has harvested 95% of its annual quota allocation prior to September 1.

The state must include in their letter declaring interest in harvesting under the set aside the date they will request to start fishing under the EESA, the projected quota the state has remaining at the time the letter was submitted, and confirmation that the state will notify the ASMFC Executive Director the date which the state ends fishing under the EESA.

4. COMPLIANCE SCHEDULE

If the existing Atlantic menhaden management plan is revised by approval of this draft addendum, the measures would be effective January 1, 2023. Unless otherwise directed by the Board, allocations will be revisited no more than 3 years (2025) following implementation of this addendum, as outlined in Amendment 3.

5. LITERATURE CITED

ASMFC. 2012. Amendment 2 to the Atlantic Menhaden Fishery Management Plan. ASMFC, Arlington, VA 114 p.

ASMFC. 2016. Addendum I to Amendment 2 to the Atlantic Menhaden Fishery Management Plan. ASMFC, Arlington, VA 7 p.

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