

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

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

Approved May 4, 2016

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3. **Move to initiate an addendum to allow two individuals who are each authorized by their management jurisdiction to harvest 6,000 pounds of menhaden bycatch to harvest 12,000 pounds of menhaden bycatch when working from the same vessel fishing stationary, multi-species gear - limited to one vessel trip per day** (Page 5). Motion by Lynn Fegley; second by Louis Daniel. Motion carried (Page 8).
4. **Motion to adjourn by Consent** (Page 14).

ATTENDANCE

Board Members

Terry Stockwell, ME, proxy for P. Keliher (AA)	Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)
Sen. Brian Langley, ME (LA)	John Clark, DE, proxy for D. Saveikis (AA)
Steve Train, ME (GA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Doug Grout, NH (AA)	Roy Miller, DE (GA)
Cheri Patterson, NH, Administrative proxy	David Blazer, MD (AA)
G. Ritchie White, NH (GA)	Bill Goldsborough, MD (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Ed O'Brien, MD, proxy for Del. Stein (LA)
Jocelyn Cary, MA, proxy for Rep. Peake (LA)	John Bull, VA (AA)
Nichola Meserve, MA, proxy for D. Pierce (AA)	Rob O'Reilly, VA, Administrative proxy
Bill Adler, MA (GA)	Kyle Schick, VA, proxy for Sen. Stuart (LA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Louis Daniel, NC (AA)
Robert Ballou, RI, proxy for J. Coit (AA)	W. Douglas Brady, NC (GA)
David Borden, RI (GA)	Robert Boyles, Jr., SC (AA)
David Simpson, CT (AA)	Malcolm Rhodes, SC (GA)
James Gilmore, NY (AA)	Patrick Geer, GA, proxy for Rep. Burns (LA)
Steve Heins, NY, Administrative proxy	Jim Estes, FL, proxy for J. McCawley (AA)
Emerson Hasbrouck, NY (GA)	Martin Gary, PRFC
Pat Augustine, NY, proxy for Sen. Boyle (LA)	Derek Orner, NMFS
Tom Fote, NJ (GA)	Sherry White, USFWS
Russ Allen, NJ, proxy for D. Chanda (AA)	

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

Ex-Officio Members

Jason McNamee, Technical Committee Chair	Mark Robson, Law Enforcement Representative
Jeff Kaelin, Advisory Panel Chair	

Staff

Bob Beal	Mike Waine
Toni Kerns	Kirby Rootes-Murdy

Guests

Chris Wright, NMFS	Peter Himchak, Omega Protein	Ken Hastings, Mason Springs
Stew Michels, DE DFW	Jimmy Kellum, Kellum Maritime	Greg Murphy, PA FBC
Leroy Young,	Shaun Gehan, Omega Protein	Arnold Leo, E. Hampton, NY
Loren Lustig, PA (GA)	Ben Landry, Omega Protein	Robert Brown, MD Watermen Assn.
J. Thomas Moore, PA	Patrick Paquette, MSBA	Burl Lewis, Cambridge, MD
Lynn Fegley, MD DNR	Drew Minkiewicz, KDW	Denise Lewis, Cambridge, MD
John Bullard, NMFS/GARFO	Henry Dixon, Weems, VA	Joe Cimino, VMRC
Dan McKiernan, MA DMF	Mike Luisi, MD DNR	
Brandon Muffley, NJ DFW	Kim Damon-Randall	

The Atlantic Menhaden Management Board of the Atlantic States Marine Fisheries Commission convened in the Edison Ballroom of the Westin Hotel, Alexandria, Virginia, February 3, 2016, and was called to order at 10:20 o'clock a.m. by Chairman Robert Boyles.

CALL TO ORDER

CHAIRMAN ROBERT H. BOYLES, JR.: Good morning everybody my name is Robert Boyles; South Carolina Department of Natural Resources. It is my privilege and delight to serve as Chair of the Atlantic Menhaden Board. I would like to call the Menhaden Board to order.

APPROVAL OF AGENDA

CHAIRMAN BOYLES: The first item on the agenda is seeking your consent for the agenda, which was submitted with the meeting materials.

CHAIRMAN BOYLES: Are there any additions or changes to the agenda? I see none; the agenda is adopted by consent.

APPROVAL OF PROCEEDINGS

CHAIRMAN BOYLES: Also on the next item, approval of the proceedings from our November meeting down in St. Augustine, again meeting materials included the meeting minutes. Any suggested changes or edits to those notes, those meeting proceedings? I see none; those will be adopted by consent.

PUBLIC COMMENT

Now the time on the agenda for public comment for those items that are not on the agenda, and we have had one request to present to the board Shaun Gehan. Shaun, come on up; welcome.

MR. SHAUN GEHAN: Good morning. Thank you, Mr. Chairman, and I'll be brief; Shaun Gehan, here on behalf of Omega Protein. On the agenda today we'll be discussing a process

for moving forward for establishing menhaden quotas for next year. What I would like to raise or have the board consider at this time at this meeting, would be putting on the agenda for May, 2016 meeting reconsideration of the current year quota.

As you recall last year at the May meeting this board decided to raise quota 10 percent last year and keep that steady for this year. Subsequent to that time however, we've seen an explosion in recruitment, numbers of adult menhaden up and down the coast in numbers that people can rarely remember.

In fact at this time herring fishermen, whiting fishermen up in southern New England are able to prosecute their fisheries. There is a huge school of menhaden parked there. People in fish traps can't catch their target species because they are choking up with menhaden. This is all new information.

By the May meeting you should have projections. There is not much new biological information, maybe the recruitment indices could be updated, but until we have a new stock assessment the projections are going to be very similar to what you saw last year and even with another 10 percent or higher increase this year there is a 0 percent chance of overfishing this stock. I would point out we're well, well under the management target; the target not the threshold. I urge this board to at least have that discussion. Vote to have the discussion. You can decide whether or not to reconsider this year's quota, but please put that on the agenda for May. Thank you.

CHAIRMAN BOYLES: That is all I have in terms of folks who have requested public comment, so we will go straight to the next item on the agenda.

**CONSIDER CONSERVATION EQUIVALENCY
MANAGEMENT PROPOSAL FROM
MARYLAND AND PRFC**

CHAIRMAN BOYLES: Agenda Item Number 4, Consider Conservation Equivalency Management Proposal from Maryland and PRFC. Let me at the outset say that we had a request to put this on the agenda as a conservation equivalency measure.

Upon further review, and I will apologize to the board. Upon further review it appears that the mechanism for a conservation equivalency is not allowed under our current plan. I would like, since it is on the agenda, an opportunity to afford PRFC and Maryland an opportunity to talk about their interest and at least present to the board what may be a potential path forward, should the board choose. Lynn, I will turn it over to you then.

MS. LYNN FEGLEY: Thank you, Mr. Chairman and thank you to the board for lending your ears and your consideration to this issue. The state of Maryland did file a conservation equivalence proposal to allow two, as did PRFC to allow two appropriately permitted pound netters who are permitted to harvest 6,000 pounds of bycatch to combine together and bring in 12,000 pounds when they're fishing their pound nets.

This is because we have a small group of fishermen who fish together in family groups and they commonly they share a vessel, they share crew, and they fish each other's nets from a common vessel. What we have done is force them to separate vessels, which increased their costs and in some instances it is a safety hazard; because they are using smaller boats.

The bottom line is, now having three years of data the first year with the combine bycatch and the second two years with 6,000 pounds; they're going to catch the fish. The bycatch situation we all know is problematic. We are not asking to catch more fish; we're simply

asking to catch them more efficiently in the manner that our fishermen are accustomed to working as a group, fishing each other's nets together conserving resources.

We were not aware that we would have to do this through an addendum process. I really would like to appeal to the board that we need to keep our eye on the Amendment 3 ball. This is about a single problem, it is a problem of economy, and it is a problem of how we're handling bycatch. It is dramatically impacting people's lives. Our intent by doing this was simply to fix one problem while we are trying to get the whole system to the shop and fix it. That is the presentation, Mr. Chair. I will make a motion whenever.

CHAIRMAN BOYLES: Thank you, Lynn. Marty, you have anything you want to add?

MR. MARTY GARY: I think Lynn explained her rationale pretty clearly. The fishermen in PRFC jurisdictional waters for the very same reasons, cost efficiency, safety, feel the same way have made the same request to PRFC to our commission. Also because we're an adjoining jurisdiction there are the issues of regulatory and law enforcement consistency that we would like to apply to those. We're in lock step with Maryland.

TECHNICAL COMMITTEE REPORT

CHAIRMAN BOYLES: Folks, we had this on the agenda as a potential action item. With the agenda we had again as it was initiated as a conservation equivalency, we did ask the TC and the Law Enforcement Committees to take a look at this. I would like to beg your indulgence, and since those guys have done that work that we have asked them to do, I would like an opportunity for them to speak to this if that pleases the board. With that Jay, can you give us a sense of what the TC had to say about the proposed management action?

MR. JASON McNAMEE: Hello everyone, my name is Jason McNamee; I am the Chair of the Menhaden Technical Committee, so we had a conference call a couple weeks ago to review these. While you all just had a discussion about whether or not this may or may not be a viable action item. I think we still discussed a couple things during that call that warrant your attention.

I've got a quick presentation here. I am going to skip, Kirby to, I think it is Slide 4, to get right to the Technical Committee comments. My initial slides were just review of what we reviewed, which you've just gotten so I'll skip those. Basically the Technical Committee agreed by consensus that the Maryland – so during our call we had the proposal in front of us from Maryland, but we were informed on the call that a second proposal would come in that would be exactly the same from the Potomac River Fisheries Commission, which did happen.

We agreed by consensus that the Maryland and the PRFCs proposals would not adversely impact the biological status of Atlantic menhaden, so just an important caveat here is when we're doing a technical review we're talking specifically about the technical aspects of the proposal before us. Just keep that in mind.

We noted that the proposal would most likely not significantly change the harvest that is currently occurring; again talking about these two specific proposals. A couple other items that we noted that were considered protections within the proposal where the limited entry that is allowed into the pound net fisheries in these two jurisdictions. We expected that that would limit any potential expansion.

Then the final comment was, given the current status of menhaden, it is not overfished and not experiencing overfishing, and the limited amount of landings that are occurring under the bycatch allowance, which are right around 1 percent along the coast. The Technical

Committee did not have biological concern with the contribution equivalent proposals.

Now we'll broaden out a little bit from talking about the specific proposals and speak a little bit more about the notion of the bycatch allowance as it stands. What we recommended as a Technical Committee was to continue monitoring the bycatch landings coast wide to ensure that an expansion of harvest can be addressed if it occurs.

The way the program works is you have a hard TAC that exists and then there is this soft part that exists so the bycatch allowance can go up, can go down; it is not locked in, in any way. It is again, a very small amount given the magnitude of the fishery. However, we just offer that it should be monitored because it could potentially expand.

The TC also recommended that the board consider further evaluation of the bycatch landings on a coastal scale as it develops Amendment 3, so you're currently in an amendment process. This might be an opportune time to think about this in a little more detail and figure out whether or not it warrants addressing. The points are that the bycatch portion of the harvest, it can expand; I just mention that. What we thought is it might be a useful exercise to have your state Technical Committee representatives or however you want to approach it. But to put an upper bound on what they think that expansion would be in that particular jurisdiction. That will kind of bound the problem, will help inform you as to whether or not it needs addressing or not. That is it. It was a pretty quick Technical Committee call and I am happy to take any questions that anyone has.

CHAIRMAN BOYLES: Questions for Jason?

MR. AUGUSTINE: Thanks for the report, Jason. It looks like Amendment 3 is not going to be ready for implementation until 2018. This seems like a special issue by itself. What I see it

means is that these fishermen who possibly could be combining their effort are going to be stymied for the next two or three years, '16, '17, and '18.

Would we not be better well served if we started a fast-track addendum to address that by itself, in view of the fact that Amendment 3 is going to be somewhat complex and that could drag out well beyond. From what Jason said and described, it looks like the Technical Committee had no real major concern about this; that it is doable.

The recommendation is that we would indeed have the Technical Committee track the bycatch to be on the safe side, so in fact if there is any issue that comes up it can be addressed as it occurs. I'm not sure which way you want to go with this, Mr. Chairman. It seems a critical issue here. I am not sure how many fishermen are involved. I don't remember what the number was that Lynn and Marty said were involved. But could we consider that and could we have some discussion on it from around the table to see what their interest might be?

CHAIRMAN BOYLES: Sure, yes we'll get to there but first right now let's get questions for Jason. We still want to hear from the Law Enforcement Committee as well. Further questions for Jay on the TC report?

MR. JAMES J. GILMORE: Jason, the conclusion of the TC essentially that this would not be an issue, essentially we would be still within all of our limits. Was that specific to if only this happens in the Chesapeake or if this was expanded to other places would that have to be an additional evaluation?

MR. McNAMEE: Good question and that was exactly the conversation that we had. We were talking about some very specific instances here. There were additional protections in these cases, they are limited entry; that sort of thing. For us to be able to evaluate it in a broader sense we would need more information from

the different states as to whether or not these protections exist there, how this might work in the regulatory framework that they have in their state. It would need further evaluation from the Technical Committee.

LAW ENFORCEMENT COMMITTEE REPORT

CHAIRMAN BOYLES: Further questions? Jason, thank you. Mark, you had the Law Enforcement Committee looked at this as well. Would you give us the review of Law Enforcement's suggestions, comments?

MR. MARK ROBSON: I will be brief. We did have an opportunity during that teleconference call on January 7, to consider these proposals from Maryland. Again there were about 18 enforcement members from the committee present on the call. We reviewed the Maryland proposal specifically as it has been described here this morning. We got some later information regarding the PRFC proposal and had a chance to at least have those same individuals on the committee weigh in on that if they had any concerns.

We've also prepared and submitted to you a memorandum summarizing the LEC comments; just to quickly go to those comments. There really were no specific concerns raised about this proposal. It was noted that particularly from the Maryland enforcement representative that this was something that they had seen before and were able, they felt, to address any concerns with any enforcement issues of coping with two permitted individuals on the same vessel harvesting bycatch.

There was I guess, they couldn't put a finger during the call on any specific concern, and having PRFC join in on this was a matter of consistency that they would support certainly. There was, I guess I would describe it as kind of healthy enforcement skepticism about possible loopholes, the unforeseen possibility that this could somehow increase daily trip bycatch violations.

But there is really no specific case or circumstance that they could point to, so they simply asked that we have an opportunity to kind of take a look at how this is going within a year or two and if there are any unforeseen problems with this bycatch daily trip limit being exceeded or violated, then we could address that at that time. That is my comment, Mr. Chairman.

CHAIRMAN BOYLES: Questions on the Law Enforcement Committee report from Mark? Okay I see none. Lynn.

MS. FEGLEY: Again, this is really intended to fix what is a very serious problem for our fishermen until such time as Amendment 3 can be implemented, and with that **I will make a motion to initiate an addendum to allow two individuals who are each authorized by their management jurisdiction to harvest 6,000 pounds of menhaden bycatch to harvest up to 12,000 pounds when they are working aboard the same vessel; fishing, stationary, multispecies gear, limited to one vessel trip per day.**

CHAIRMAN BOYLES: Motion by Ms. Fegley, is there a second? Louis is that a second? Discussion on the motion?

MR. WILLIAM A. ADLER: I have no problem with this, but I did have a couple of questions. First of all I understand apparently this is a bycatch in another fishery. Then also, can we do this by conservation equivalency if you already said, or just by an addendum to something that is in an amendment. If you can that's great.

I was thinking about opening the can of worms, where they got 12,000 why can't we? I think the Technical Committee had that same fear, trepidation about it. I don't remember why we had the 6,000 in the first place. I'm sure there was a good reason for it. I have no problem with this if it can be done, and I'm assuming it is not just for two people it is for anybody that wants to put two guys on the same boat and

get the 12 rather than just for two people? Is that what this is?

MS. FEGLEY: The intention is that the two individuals who are working together are each appropriately permitted by the state or the management jurisdiction. In Maryland we have limited entry. You have to apply for a permit to get the bycatch allowance. Those permits are non-transferrable. It is a fairly tight system. This motion is not crafted to be specific to Maryland and PRFC; it is crafted to be specific to multispecies gear. But the intent is that those people, those two individuals are appropriately permitted and preferably limited in number.

MR. ADLER: If I may. But are there other individuals that do have the permits in your states that could also apply for this? I have no problem with it, but I mean is it just two people or are there other sets of people that could take advantage of this?

MS. FEGLEY: It is just two people and it is only the people, there are a limited number of people who have a permit for 6,000 pounds. Any of those people could get on the same boat and fish one another's gear and combine their bycatch allowance to catch 12,000. They are working together harvesting one another's gear. A husband and wife each with nets, a father and son each with nets, they work together.

CHAIRMAN BOYLES: Bill, let me go back to your initial, again I have to beg the board's indulgence here. When the request was made PRFC and Maryland said here is a special case, a very specific case; and the intent was to pursue this under conservation equivalency. Being the bright guy that I am, I thought okay conservation equivalency, we'll ask the TC and we'll ask the Law Enforcement Committee to review.

Your Menhaden Board chairman didn't recognize it as specifically not allowed under

conservation equivalency. Let me be clear, Robert's fault. This kind of action is not allowed under conservation equivalency. The only avenue for PRFC and Maryland to pursue this is through an addendum, so that is why we're here.

MR. G. RITCHIE WHITE: I have no problem with this at all, but out of curiosity what species are they fishing for where this is a bycatch, and what kind of volume would they be catching of those species?

MS. FEGLEY: This is the very interesting question of the definition of bycatch. A Chesapeake Bay pound net sits in the water and fish swim to it and are entrapped. There are some nets that encounter menhaden. The other major fishery that is coming out of these nets is striped bass. We all know the dockside value of striped bass is significantly greater than that of menhaden. The issue though is that when a school of menhaden swims by a pound net, you are going to have more menhaden than anything else in that net on that day.

That is just the way it works, because of the schooling nature of menhaden. There is a debate to be had over what is directed and what is not directed. But I believe the state of Maryland provided to the board at some point a list of all the species coming out of these nets, which include menhaden, striped bass, spot, croaker, bluefish, flounder, and others.

CHAIRMAN BOYLES: Okay I'm getting a list of folks who want to ask questions about this or want to discuss it.

MR. BOB BALLOU: I think this is a question for Mike Waive. Mike, if the board were to enact this proposed addendum, would it be a return to the exact same provision that was in the original Amendment 2 regarding this issue? Do you happen to know that offhand? Is it the same wording or is there a slight nuance here?

MR. MIKE WAINE: The way the bycatch allowance provision is currently written, this is not permitted. The intent of the addendum would be to change the way the bycatch allowance provision is worded to accommodate those two permitted individuals aboard the same vessel landing up to 12,000 pounds. Right now they can land it separately from separate vessels, 6,000 pounds on each vessel; but they cannot land it together from one vessel up to 12,000 pounds.

MR. BALLOU: I'm sorry. I may have asked my question poorly. I think this is very similar to an original provision in Amendment 2 that sunsetted. It was in effect for at least a year if not two. I'm just wondering if this is a return to that exact same provision or if there is a slight nuance here; if you understand my question now.

MR. WAINE: Yes I do now, and there are like 30 pages of proceedings when we talked about this the last time, which was May of 2013. This came up in Maryland and PRFCs implementation plans when they were submitting their regulatory code that demonstrated they are adhering to all the new provisions of Amendment 2, and part of their implementation plan was to allow for this to happen.

What ended up happening was the board did allow for this to happen for 2013, which was the first year of the implementation, and then it reverted back to the way it is worded in Amendment 2. In order to change the bycatch allowance provision the plan requires an addendum that cannot be done through conservation equivalency. The short answer to your question is yes, this was already permitted for one year but the plan doesn't currently allow it, so that is why we're pursuing an addendum for this topic.

MR. RUSS ALLEN: First off I don't really have an issue with Maryland or PRFC helping out their pound net fishermen in this manner. My

question is, when we're talking about stationary multispecies gear and opening it up coast wide does that include anchored in state gillnets; because that changes the whole process for us in certain areas? Not that I think that the amount of bycatch would be anywhere near doing any damage to the resource itself, but it just opens up a can of worms for us. That is my only real question is, does that include gillnets?

CHAIRMAN BOYLES: My read Russ is this is a very specific jurisdictional specific, two jurisdictions, PRFC and Maryland addendum. Again, your chairman suggested we do this via conservation equivalency. I was corrected, so no. Maryland, PRFC would be where this would apply.

MR. DAVID V. BORDEN: You gave me the perfect lead in to my question. My interpretation of this, this was going to be a coast wide provision and not a state specific provision allowance. I personally can support the concept being developed as long as it is a coast wide provision, but if it is state specific I'll vote no.

MR. WILLIAM J. GOLDSBOROUGH: I would like to speak in support of the motion and the whole concept. I had a specific comment to make, but I'll first say to Dave Borden's point that certainly from my perspective this would be and should be a coast wide provision; the way I'm looking at it. But I wanted to speak to Bill Adler's comment where he couldn't recall where this bycatch allowance came from in the first place. Let me just recap, back when Amendment 2 was adopted in December, 2012.

That special meeting we held in Baltimore for those of you that were there. We were grappling with the first time institution of a coast wide quota and of course basing it on historic baseline period. But we had a wide range of comfort level with the harvest data that we had for the baseline period, especially for the small scale fisheries like the pound netters.

Because of that we actually were contemplating different allocation scenarios between reduction and bait. If you recall, where we have excellent catch data for reduction as you know, questionable in some sectors of the bait fishery, and so if you will recall we actually had a motion on the floor at that meeting to consider an 80/20 breakdown between reduction and bait, which is what the data that we had from the baseline period suggested it was; a 70/30 breakdown and a 60/40 breakdown.

The wisdom of the board was that in a single meeting at that juncture, those kinds of changes were too big of a shift in allocation. Really we needed to give it more thought and so we backed off from that motion and decided instead and incorporated into Amendment 2, a plan to revisit allocation in three years and that is what we're doing under Amendment 3 right now.

But at the same time, we recognize that there was uncertainty with respect to the small scale gear catch history. To provide a buffer for that especially for these multispecies fisheries, for which shutting down in midseason really would be onerous, given that it would shut down the other target species as well.

We decided to adopt a bycatch allowance. That is where this came from. It really is a necessary measure to have in place to allow these fisheries to continue until such time as we have revisited allocation and gained more certainty with respect to the catch history in those fisheries.

CHAIRMAN BOYLES: Let me clarify. The seconder of the motion corrected me – I'm 0 for 2, you all – corrected me that the intent was for this to include, would be a coast wide addendum that would authorize jurisdiction, so Dave I apologize again. Man, I need help. Lynn, let me make sure that that is your intent as well is that this would be an ecumenical addendum and not necessarily apply only to PRFC and to Maryland.

MS. FEGLEY: Yes, Mr. Chairman. The intent was for it to be coast wide for the stationary multispecies gears.

CHAIRMAN BOYLES: Okay and with that I am going to turn to Mike and just again make sure that I don't mislead you a third time, in terms of what such an addendum might include. I've got Steve and then Terry and then Jim, so Mike can you talk us through what an addendum like this might entail?

MR. WAINE: Yes. Part of this is to hope to answer some of the concerns that were brought up. Russ had the question about how do we define a stationary fixed gear? What we could do is go into the bycatch data that we have over the last two years and look at the different gear types that are landing under the bycatch allowance, and bring the board back some options to look at, whether this provision would apply to just the pound nets or if it would apply to the state gillnets and any of the other gears that have been landing under the bycatch provision. Then the board during review of the public comment draft of this addendum could basically make the decisions about whether they want to take those multi gears out to public comment or whether they want it to be only specifically for pound netters.

I think that there is some flexibility that the PDT could work with the data to get a better sense for what this would look like in terms of the different gear types, and what different jurisdictions are taking advantage of the bycatch allowance. I think that we could do that absolutely for drafting the public comment draft for the May meeting.

CHAIRMAN BOYLES: With that clarification, again my apologies. I've heard from several of you that you could support the motion. I've got Steve and Terry and Jim. What I would like to do, is there anybody who would like to speak against the motion?

I see none; so the motion before the body is to move to initiate an addendum to allow two individuals who are each authorized by their management jurisdictions to harvest 6,000 pounds of menhaden bycatch to harvest 12,000 pounds of bycatch when working from the same vessel, fishing stationary multispecies gear limited to one vessel trip per day. That motion was by Ms. Fegley, seconded by Dr. Daniel. Do we need to caucus?

DR. LOUIS B. DANIEL: I don't know if this is a point of order or not. But I would add, 12,000 pounds of menhaden bycatch. That could create a problem for us if you don't make that clarification.

CHAIRMAN BOYLES: Technical correction accepted.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Just a question on intent of the motion. The last clause there, limited to one vessel trip per day. Does that mean each permit holder can only have one landing event per day? Is that the intent here so that you can't switch vessels, you can't put a new; it is one 6,000 pound landing per day per permitted person. Is that permitted fisherman, is that correct?

MS. FEGLEY: Yes thank you for bringing that up. The intent of this motion is for these permits. This happens once per day. I don't know what the appropriate wording is, but for the record for clarification, two people fishing together they can't split up and then go fish again in another couple and do this again. The intent is not to allow double dipping; the intent is for this to be a single day event. Sam and Joe fish together, they are each permitted. They bring home their catch. They are done for the day.

CHAIRMAN BOYLES: The question is before us. **All those in favor of the motion signify by raising your right hand; 16, all those opposed, no; raise your right hand, null votes, abstentions. Motion carries.**

MR. THOMAS P. FOTE: Yes since this is going to be coast wide, I want to make sure that we have no conservation equivalency to change this around later on. I made that mistake once. We want that included in the addendum that we can't do changes like that on it. That will stay the exact way it is written in the thing.

MR. WAINE: Tom that is already in the amendment. That is actually why PRFC and Maryland have to pursue this through an addendum, and I don't believe the intent is to change that language in this addendum.

DR. DANIEL: Just some comments that Mike made during one of his testimonies to us is going and looking at gillnets and having the Technical Committee or staff look at other options. I think the motion and the intent was just to deal with pound nets to avoid having to come back and address that.

I don't know that there is any interest. There is certainly none in my part to allow any other gear besides the stationary pound net gear. The record is replete with that discussion from the 2013 discussion, so I would hate for staff to spend time looking at that if that is not the intent of the board. It certainly was not my intent.

CHAIRMAN BOYLES: So noted. Next item on the agenda. Russ.

MR. ALLEN: The reason I brought up the issue is because there will be interest in New Jersey to do this. I would look forward to seeing what the Technical Committee could come up with on that issue in the PDT. I appreciate that. Thank you.

MR. ROY W. MILLER: If the Technical Committee is going to consider this issue that Russ raised, for instance. Will bycatch of other species be a factor in their analysis and in our deliberations? In other words, ostensibly other species, non-target species can be released from pound nets, perhaps with lower mortality

than other species can be released from anchored or state gillnets. That is kind of what I was thinking, and I was wondering if that will be a consideration as well.

MR. WAINE: In our FMP reviews which we do annually; we've been looking at sort of this bycatch allowance provision and have been trying to get more data on it. That has recently included other species that are caught as part of those bycatch allowance trips for menhaden. It is something that we could try to pull together to include in the addendum as some background information that identifies what other species are being caught during these bycatch allowance trips.

From the two years of data that we have, to the extent that the state agency datasets for the trip level data would permit us to do that. I guess my point being is we can do what we can to incorporate some of that information for the addendum as sort of the background portion of the document.

MR. MILLER: Thank you for that explanation, Mike. What I was thinking is some of the states like our state, has closure periods as part of their weakfish management plan. When there is a closure period for a non-target species I could see directing additional effort on menhaden during those closure periods might be problematic.

EXECUTIVE DIRECTOR BEAL: One of the things that are pretty important is this was not included in the action plan or the budget for this year. I was going to say I think this is a pretty simple, straightforward issue and the states can do their own hearings. But I'm not sure that is the case.

Regardless, I think we had not budgeted for a staff person to travel up and down the coast and do a lot of hearings, so we may have limited finances to provide staff at these hearings. If states are able and willing to do one themselves it might be really helpful. That will be after, you

know it will be summertime, assuming this goes forward and the board approves it at the May meeting, but something we'll need to consider.

DR. DANIEL: Yes and I am sorry, Mr. Chairman for my confusion here. I am trying to reconcile what the motion says and now what we're discussing. The motion says stationary, multispecies gear. That would not include gillnets, trawls, cast nets, anything else. It only would include, as far as I know it would only include pound nets. If the direction is for the staff to look at other gear types that is inconsistent with the motion.

CHAIRMAN BOYLES: You're right, Louis. I was ready to move on to the next agenda item. The motion that carried and passed unanimously is there before you, so there we go; any further discussion?

MS. JOCELYN CARY: I just want to clarify something really fast. Is this limited to existing permit holders or will it sort of carry over to new people?

MR. WAINE: In these jurisdictions, and Lynn and Marty can correct me if I'm wrong, they have limited entry programs in place. It would follow their procedures of how entry into that fishery occurs under their limited entry program. I guess if this opens up to other jurisdictions that have pound netters but don't have limited entry then it would be a little bit different. I think we'll learn more about that as we sort of explore this issue through the addendum development process.

REVIEW OF DRAFT AMENDMENT 3 DEVELOPMENT TIMELINE

CHAIRMAN BOYLES: Is there further discussion on the motion that has passed this board unanimously? We will move on to the next agenda item, Mike; Draft Amendment 3 Timeline.

MR. WAINE: I just wanted to take a moment and remind the board about what happened at our last board meeting and give them, hopefully a clear indication of what I anticipate Draft Amendment 3s timeline to be. I am going to start by talking about the motion that passed, and that was move to proceed under Option 2, which initiates a public information document in 2017 and includes ecological reference points and allocation with the CESS report to be implemented in 2018.

That is the motion that passed at the last meeting. Let's break down what that motion actually means. The draft amendment is going to have two major topics. It is going to look at ecosystem reference points and it is going to revisit allocation. The amendment process has two rounds of public input.

The first is a scoping document that is a public information document that we planned to develop for early 2017, and then Amendment 3 would be developed from that scoping document in later 2017, aiming for implementation in 2018. Just drilling down a little bit more on what I plan or what I see there to be in terms of the topics included in the public information document. In terms of allocation considerations, remember that there was a board working group that was set up to create a potential list of allocation options, and that has been compiled.

It was distributed to the board. We have a really solid foundation of all the various allocation options that could be pursued in the menhaden fishery. Now the CESS at the same time, the CESS is completing an RFP for a socioeconomic analysis that is anticipated to be available in early 2017. The commission is working on finalizing a contract now.

We've received proposals and we're in the final selection process for doing that. We anticipate that that contractor will do the work over the next year. In very early 2017, probably late February, we will get that information from the

contractor regarding the socioeconomic analysis. The intent is for that information to help guide the allocation discussions, so keep that in the back of your mind for when we talk about the timeline.

ECOSYSTEM REFERENCE POINTS

MR. WAINE: Now in terms of ecosystem reference points, we currently are using biological reference points that came right out of the 2015 benchmark stock assessment. Those are reference points that were recommended by the peer review and accepted by the board for management use. They are not currently part of a management document.

The intent was to consider those reference points through the next management action. Ecosystem reference points are also being concurrently developed, and there are some ERPs available now but the BERP Working Group does not recommend using those for management. But the board could still consider putting those into Amendment 3.

Then at the same time the BERP is developing ERPs over a more extended timeframe of 2019 to 2020, and so although those won't be available for Amendment 3 on the current timeline, they could potentially be implemented through the adaptive management process as we intend to scope ecosystem reference points through the Amendment 3 process.

Let's look at a potential timeline to sort of summarize everything that I just talked about. PID stands for public information document that is that first round of scoping. The intent would be to develop that PID for public comment for the board to review at their basically annual meeting this year. We would draft those topics into sort of a scoping document, and allow the board to provide input on that information before it goes to the public for that comment period.

What would happen would be a public comment period from November through February of '17. We would conduct hearings, et cetera, collect all our comment and bring it back to the board at the February, 2017 meeting where the board would use the information and the input from that public information document to start drafting the actual Amendment 3.

FISHERY ALLOCATION AND SOCIOECONOMIC ANALYSIS

MR. WAINE: At the same time that the board is providing guidance to the Plan Development Team for drafting specific options in Amendment 3, the socioeconomic analysis that I talked about would be coming out; and the PDT could be using the socioeconomic analysis and the different allocation options that were scoped to try to help, basically materialize information that would help solicit input on the different allocation scenarios. That PDT would develop the Draft Amendment 3 over two meetings. It would be provided guidance in February on the drafting. The PDT would work between February and the May meeting, we would likely probably come back to the board and say, hey here is where we're at with the amendment. This is just a check in, does the board want to give more guidance on a few areas here and there? Then we would go back and continue drafting to have a draft for public comment at the August meeting next year.

Assuming that draft passes the boards review we would then send it out for public comment and input. We would conduct another round of public hearings, bring all of that comment back for the boards final review in November of 2017, so that would be our annual meeting next year. Then at that time the board would then establish an implementation date for whatever final options were selected in the management document, and that would be anticipated to be 2018. I'll just say this.

Amendment 2 took quite some time, so we will continue to sort of think through these issues at a staff level so that we're prepared to deliver on these timeframes. We've already started working on some of the habitat sections in the document, et cetera. We will continue to do that so that some of the more background level information will be compiled by the time we get to that information document.

Now my last slide here just talks about where we're at in terms of our total allowable catch and our quotas for the coming years. The board has set a TAC for both 2015 and 2016. They already did that through a specification process in early '15. We have a stock assessment update that will occur in 2017, but none of that information will be available until later in 2017, and so there won't be any more biological information in terms of fishing mortality or fecundity estimates relative to the reference points until late in 2017.

Ultimately in the interim the board needs to set fishery specifications for 2017. As I mentioned the timeline for Amendment 3 isn't until implementation in '18, so '17 is the year that needs some attention right now. That is the next agenda topic that we plan to talk about is when to actually set those 2017 specs. I would be happy to answer any questions on the timeline.

CHAIRMAN BOYLES: Questions for Mike on the timeline for Amendment 3?

MR. BALLOU: Mike, could you go back to I think it was your second to last slide. It was a detailed slide with a range of milestones associated with the PID through Draft Amendment 3 process. I'm sorry; I guess I'm talking to Kirby here. Thank you, Kirby. There it is. That timeline clearly pertains to the revisiting allocation issue. Does it also pertain to ERPs at all?

MR. WAINE: Yes. There are two major topics for this amendment. One is revisiting allocation

and the other is ecosystem reference points. Now as I mentioned in my presentation the BERP Working Group, which is a technical group working on ecosystem reference points, is working on a longer timeframe for reference points through some of the modeling processes that the board received information on at our last meeting.

However, there are some ecosystem reference points that are available now and could be scoped through the Amendment 3 process. The idea of ecosystem reference points is something that the board has been moving through for quite some time. As of now I see the two major topics in Amendment 3 to be ecosystem reference points, the ones that are available that are conducive with the timeframe for the amendment, and revisiting allocation.

MR. ADLER: Very quickly, explain why the PID won't be ready until November, 2016. Why not in August? I mean is there some other thing you're waiting for on that?

MR. WAINE: Not really. The intent was just to have a more continuous timeline for the PID leading into the development of the draft amendment. To bring the comment back to the board for February so that they could then guide the Plan Development Team on what to include in the actual draft amendment.

If we changed the timeline of the PID to August, which we could do if the board so pleased. Then there would be a slight disconnect I think in drafting the amendment from the PID, meaning if we took it out in August for comment, we would come back in November for the board to give more guidance on the amendment.

But we're not going to have that socioeconomic analysis until February, so I assumed that the board sort of wanted to combine those two items into giving direction to the Plan Development Team, and that is why I was suggesting this timeframe as opposed to an

earlier public information document. But absolutely, if the board wanted to see this earlier we could start working on this after. We would be working on this other addendum that just got initiated this morning again, but we could probably deliver for August if we wanted to change the timeline.

CHAIRMAN BEALS: Further questions on the timeline? Jeff?

MR. JEFF KAELIN: I just wanted to ask if it is planned for the AP to meet to review the PID and the Amendment 3 document at appropriate time during this process.

TIMELINE FOR SETTING THE 2017 FISHERY SPECIFICATIONS

CHAIRMAN BEALS: Sure. Further questions on the timeline? We'll go right into the discussion about the timing for setting the 2017 Fishery Specifications. Eric, I think you brought this up at the tail end of our meeting in St. Augustine. The question really before the board is as you know; the last action we took back last May is we specified the fishery for 2015 and 2016.

The question is of course, when do we wish to specify the fishery for 2017? As I understand it, if we want updated projections incorporating 2015 landings data, then we will want to do that specification in August. If we wish to make that specification prior to then in May, it will not incorporate the 2015 landings. What is the pleasure of the board? Mike, did I characterize that accurately?

MR. O'REILLY: I guess I would have a question as to what else would be intended to accompany the update from the landings, what other information? We heard from Mike about what won't be available because of the timing of the assessment, but are there other types of information that would go along with the landings projections?

MR. WAINE: Jay can jump in if I don't cover it, but basically when the board set the 2015 and 2016 TAC, they received projections from the 2015 stock assessment, which had 2013 as the terminal year. Those projections made assumptions on what the harvest would be in 2015 and 2016, because we didn't have the information at that point to tell us what the actual harvest was.

This would simply be updating those projections, the same ones that we completed the last time the board looked at them with the actual landings that occurred in 2015. We could also assume that the landing in 2016 will be what the TAC is in 2016, assuming no substantial overage and then project to '17 what the status would be with the different TAC options that were explored the last time by the board.

MR. ADLER: In other words if we put off doing this until let's say May, you would have more information I guess, or even August. My question would be, if you wait until then to get the more information and then we set the specifications, you don't see a problem in implementation; you've got plenty of time, right to put it into 2017? Correct?

CHAIRMAN BOYLES: Yes that is correct.

MR. ADLER: Then I would think that the logical thing to do would be to wait, get that information and then make our decision and we do still have time.

MR. AUGUSTINE: The downside is, if we find that we're under harvest we have an impact and the upside is the opposite or maybe it's just reverse; we have an impact and again we're using old data. Do we want to be out of sync by another year and another stock, and I agree with what Bill Adler says. I think we need to go ahead and incorporate that information.

CHAIRMAN BOYLES: Any alternative perspectives? Is there a sense that we will do

specifications 2017 in August? Okay. That will be it. Any other business, okay Jay actually has some additional information here. Jay.

MR. McNAMEE: It is not necessarily information. This just popped into my head as Mike was answering Mr. O'Reilly's question. This was stated, but it would be helpful to get clear guidance on the projections, and so I think the easiest – so I'm thinking about the folks who are going to perform the projections in the Technical Committee review.

There are a number of assumptions in those projections. We had a long, rigorous discussion about those assumptions, so it would be helpful to have the guidance if it was the board's desire to only change the catch stream for the projections and maintain all of the other assumptions as they were defined previously. I just think it would be helpful if that clear guidance came from the board to the technical folks.

MR. WAINE: Yes thanks, Jay. If the board, it is actually up to the board, but if the board wanted to sort of see what those projections were and all the different assumptions that the Technical Committee made, we could show the board that information in May; because remember in order to update the catch information we'll need until August, because we won't have that information until May as it is. If the board would feel more comfortable in us showing them and giving them a little bit more information before making that decision, we have time to do that and could do that in May.

MR. DAVID G. SIMPSON: The catch stream would be one thing. The other important thing would seem to be recruitment. If we don't have recruitment since 2013 or 2012, you know you've got a lot of new fish coming into the population so that seems to be at least as important as the catch stream to inform us on quota setting for '17.

MR. McNAMEE: I appreciate your comment, Dave and you're exactly right. That is one of the other major assumptions that I'll say the other big one that is at the top of my head is natural mortality that you assume. But the recruitment is an estimated entity from the model and so we there won't be an update of the assessment, it will be taking that terminal year again and just updating the catch assumptions. There won't be new information on recruitment.

MR. SIMPSON: Okay so the recruitment assumed would be the recent average or what would it actually be? I'm not familiar with the details of the menhaden model.

MR. McNAMEE: I am hesitant to give you that specific answer. We could look that up, but it was an assumption. I can't remember the number of years, but yes you have the gist of it.

MR. O'REILLY: If I understood the discussion from a few moments ago and what Jay said. It would seem that the board should hold to the assumptions that were present with the assessment that was finished up in late 2014. This is somewhat of a quasi-update of an assessment, partial; and I would think that those assumptions should hold until the benchmark. I mean that might be one way of looking at it, even though it is not an updated assessment until later on. But I think if we're going to have the projections, I think the assumptions that were held should stay there.

CHAIRMAN BOYLES: Further comments?

ADJOURNMENT

CHAIRMAN BOYLES: Okay, any other business to come before the Menhaden Board? Seeing none; thank you all. The meeting will adjourn. Bob Ballou, looking forward to passing the baton; so get ready for May. Thank you all, we're adjourned.

(Whereupon, the meeting was adjourned at 11:26 o'clock a.m., February 3, 2016.)