

## MENHADEN TALKING POINTS: PUBLIC INFORMATION DOCUMENT FOR AMENDMENT 3

Public Comment Period: November 2016 – 5:00 pm on January 4, 2017

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### BACKGROUND

- In May of 2015, ASMFC initiated Amendment 3 to the menhaden management plan to establish ecological management, and to review and possibly update state-by-state quota allocations. Since then, ASMFC staff, scientists, and advisors have been developing and reviewing a range of ecological models and management strategies.
- At their annual meeting in October 2016, ASMFC’s Menhaden Management Board unanimously approved the [Public Information Document \(PID\) for Draft Amendment 3](#) for public comment. The public can comment at [upcoming hearings](#) or in writing, **now through January 4, 2017**.
- The PID, which precedes a draft of the actual amendment, provides the first opportunity for stakeholders to inform the Board about their own visions for the future of menhaden. These talking points don’t address every issue, but highlight key issues for menhaden conservation.
- Specifically, the PID proposes a range of different methods to manage the menhaden resource based on their role as prey using ecological reference points (ERPs). We support the interim approach described by Option D on page 8 of the PID, which will use the best available science to guide management based on the needs of the ecosystem.

### TALKING POINTS ON KEY ISSUES

#### ISSUE 1: Reference Points

PID Questions: Should the Board manage the Atlantic Menhaden stock with single-species biological reference points or multi-species ERPs? Do you support the use of simpler, readily available ERPs until menhaden –specific ERPs are developed by the BERP?

Answers: **The Board should move immediately to Ecological Reference Points with whatever models are available today.**

- **Ecological management is right for menhaden, and Issue 1, Option D is the best solution now.** The current approach that ASMFC uses for setting catch limits is wrong for menhaden, because it ignores their importance to the ocean food web and for other fisheries. The time has come to move away from “single species” management and adopt an ecosystem approach. The best available science supports Option D: managing to a target of 75 percent of the total menhaden biomass before largescale fishing, so menhaden can fulfill their role in the ocean food web, and ensure the population never drops below 40 percent. Science tells us that this amount would vastly reduce the impact of fishing on menhaden predators, and help menhaden continue to expand back into the northern and southern extents of their former range; while still providing ongoing substantial yields to fisheries.

- **Most menhaden predators are in decline.** Atlantic predators of menhaden like striped bass, bluefish, weakfish, cod, king mackerel, cobia, osprey, and humpback whales [focus on species important to you] are struggling. Increasing the abundance of menhaden will help ensure these predators have enough food to achieve management goals for these species and the commercial and recreational fisheries that depend on them.
- **Conservation will benefit everyone.** Option D will enable the menhaden population to continue to grow, while increasing menhaden's value to recreational fishing, commercial seafood, and tourism businesses that all depend on this important fish, and its predators.

## ISSUE 2: Quota Allocation

PID Questions: Should the Board maintain, or revise, the allocation formula currently used to manage the commercial Atlantic menhaden fishery? Which allocation option(s) provides for the fairest and most equitable distribution of coastwide total allowable catch? Which allocation option(s) strikes the best balance between current needs and future growth opportunities? Do you support the use of soft quotas for some user groups?

Answers: **The board should revise the allocation formula currently used to manage the commercial Atlantic menhaden fishery.**

- **More fish should be allocated to the bait sector or to the bait states,** better accounting for the historical catch and recognizing the important role of the bait sector in regional economies.
- **One state taking 85% of the catch is inequitable** and the current allocation scheme flies in the face of [guidance offered by NOAA](#):

"Conservation and management measures shall not discriminate between residents of different states. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (a) fair and equitable to all such fishermen; (b) reasonably calculated to promote conservation; and (c) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privilege."

- **Three options have the most potential to provide an fair and equitable distribution of catch:** Option B State-specific quotas with a fixed minimum, Option F, disposition quotas with at least 30% of catch allocated to the bait sector, and Option G, fleet capacity quotas, with all fleets managed by a hard quota.
- Options B, F, G strike the best balance between current needs and future growth.  
**Three options should be removed from Amendment 3:** 1) Option C. Coastwide Quota. This will produce a race to catch fish, which will be unfair to some states, especially in the North, risk localized depletion, and adversely impact the market availability of fish. 2) Option E: Regional management adds an unnecessary layer to an already overly complicated fishery. With so many different gear types, methods of harvest and markets, regional management is just too

complicated. 3) Option H: Allocation strategy based on TAC level. This is a dangerous option that creates a perverse incentive for risky increases in quota.

- **“Soft” quotas are too complicated and risk quota overages.** They should not be allowed in Amendment 3.

#### ISSUE 3: Allocation Timeframe

PID Questions: Should the Board consider changes to the reference period on which menhaden allocation is based? Should allocation consider prior trends as well as recent changes in the fishery? What years would you recommend as the basis for allocation?

Answers: **Trends prior to 2009 absolutely should be considered in the allocation**, as catch was more widely distributed. By considering only 2009-2011 or 2012-2016, the Board is unfairly excluding substantial catch history of other states.

- Catch from as early as 1955 should be considered in the allocation of quota.
- Option D, 2012-2016 Average should be removed from the Amendment, as it simply reflects the status quo option.

#### ISSUE 4: Quota Transfers and Overage Payback

Questions: Should the process for quota transfers be further defined or replaced by an automatic reconciliation process? Should state specific quota overages be forgiven in years when the coastwide TAC is not exceeded? When the coastwide TAC is exceeded but at least one jurisdiction has an underage, should unused quota be pooled and redistributed through a specified transfer process to states with an overage? Should states be required to contribute unused quota to a common pool or should this be voluntary? Should there be accountability measures for a state that exceeds its quota by a certain percentage or repeatedly participates in quota reconciliation?

Answer: **Quota transfers should be unrestricted if completed prior to a state exceeding its quota. But a state receiving a quota transfer after exceeding its quota should take steps to avoid the overage in the following year, and should not be allowed to accept a quota overage transfer in the following year.**

#### ISSUE 5: Quota Rollovers

Questions: Should unused quota be rolled over into subsequent year? Should the amount rolled over be limited to a percentage of quota? Should all sectors of the fishery be allowed to roll over quota? Should rollover be mandatory or voluntary?

Answer: **Quota rollovers should not be allowed.** Rollovers may lead to unintended consequences with regard to localized depletion or quota allocation on a year to year basis.

#### ISSUE 6: Incidental Catch & Small Scale Fishery Allowance

Question: Should there be a cap on incidental landings in the Atlantic Menhaden fishery? Should incidental catch be defined as a percent composition? Should the incidental catch allowance be allocated to vessels or permit holders? Should the incidental catch provision be replaced with a small-scale fishery set aside, and if yes, what gears should be included in this sub-quota (see Table 3 in Appendix 1)? Should active and passive gears be treated differently under the incidental catch provision?

**Answer: Count all the catch.**

The current bycatch loophole allows several million pounds of menhaden to be caught, but not counted toward the quota. The problems this exemption seeks to address should be resolved through allocation.

#### ISSUE 7: Episodic Events Set Aside

Questions: Should a percentage of the TAC be set aside for episodic events? If yes, what percentage of the annual TAC should be set aside? Which jurisdictions should be allowed to participate in this program? Does the episodic event program need to be reconsidered as the distribution of menhaden changes? How should states demonstrate that an episodic event is occurring in state waters?

Answer: **The episodic events set aside is unnecessary**, assuming the Amendment 3 allocation scheme is more equitable.

#### ISSUE 8: Chesapeake Bay Reduction Fishery Cap

Questions: Should the Chesapeake Bay Reduction Fishery Cap be maintained? Is it an important tool for the management of Atlantic menhaden?

**Answers: Protect the Chesapeake Bay nursery.**

- The Bay remains the primary nursery for the coastwide menhaden population, and the area where the majority of catch is concentrated.
- The cap should be kept in Amendment 3, but cut in half to be 96 million pounds, closer to current levels, to protect against localized depletion and provide for the many predators that depend on menhaden in the Bay.

#### ISSUE 9: Research Programs and Priorities

Questions: What are important research questions that need to be answered regarding the menhaden fishery and resource? How should research recommendations be prioritized? Should there be a RSA established for menhaden? If yes, what portion of TAC should be set aside for research purposes?

Answers: **The ASMFC should prioritize fishery independent research into the life history, migration, historical abundance, water filtration role, effects of localized depletion, and food web interactions of menhaden.**

- Menhaden play an essential role in the marine ecosystem and it is important that additional research be conducted to better understand the ecological implications of large-scale menhaden fishing.
  - A “research set aside” (RSA) for menhaden would have to be well designed and it is probably inadvisable. In recent years, RSA programs have been abused in the Atlantic, and it is risky to set one up for this fishery.
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