

RI Marine Fisheries Council Menhaden Advisory Panel Meeting
Minutes
August 6, 2013, 6:00 PM URI Bay Campus, Coastal Institute

D. Monti, Chairman	B. Ferioli*
R. Jobin*	S. Medeiros
G. Allen	M. Rice - RIMFC
M. Bucko*	G. Goodwin
E. Cook*	N. Lengyel, DFW staff
J. Carvalho	J. McNamee, DFW staff

(*primary advisory panel member; ^A alternate member)

D. Monti began the meeting. He gave a brief outline of the agenda and then noted that the main goal of the meeting was to review the emergency regulations that had been filed by the DEM and develop some comments from the panel on these regulations. He then passed the meeting to J. McNamee of the Division of Fish and Wildlife (DFW). J. McNamee stated that he had a presentation (see attached) that covered the first two agenda items. He began by noting that the Atlantic States Marine Fisheries Commission Menhaden Board had approved Amendment 2. This amendment would put some significant restrictions on the fishery. The other parts of the amendment were the states allocation (quota) and the reporting requirements. As far as the current fisheries in RI waters, Ark Bait fished in RI waters but landed in MA, so these fish would not impact RI's quota. The main harvesters landing in RI were the floating fish traps. These gears were considered non-directed so these landings should not be constrained either as long as they didn't land more than 6,000 pounds per day. There was also a technical addendum that had been approved. This addendum created the episodic event set aside. J. McNamee noted for the group that RI had submitted a memo to the ASMFC requesting access to the episodic event set aside program. This program allowed a state that opted in to harvest in state waters at 120,000 pounds per vessel per day from a set aside amount that was set aside for northern states that occasionally have high biomass levels that enter their state waters. If the set aside amount were not harvested, it was re-allocated to the fishery as a whole. J. McNamee then went through the emergency regulations that had been filed by the DEM. He ended his presentation at this point.

J. Carvalho began the discussion by stating that RI had lost a lot of opportunity with the management plan that had been developed (referring to Amendment 2). He went on to state that RI should have more quota as the fish that MA was being credited for in their quota had actually been harvested in RI state waters. He also noted that RI had once again been penalized for being progressive and conservation minded in its state waters management because RI would have a large quota if the reduction plants and large bait vessels were still in operation in the state as they had been in the past.

M. Bucko raised a concern that he had. There was a small vessel fishery that took place in state waters using cast nets and these fishermen supplied menhaden to the bait shops. This bait source was important to the bait shops. He stated that the current management plan kept them out of this fishery and felt the group should develop something to allow this fishery to continue as it was a small scale fishery and would not damage the population, but allowed bait shops an important resource.

B. Ferioli stated that he thought there was a 200 fish limit that was still in place. J. McNamee noted that this was true but that was supposed to be for recreational harvest, not commercial, so the issue noted by M. Bucko was indeed the case as cast nets were considered a directed fishery.

G. Goodwin began by stating that there are cycles in the population that are not caused by fishing, and these cycles can be unpredictable in any given year, so banking on the episodic set aside was not feasible for a business trying to stay afloat. He went on to state that the real problem was that RI was allocated an unfair quota amount. He felt that 78,000 pounds might as well be zero. He felt that our commissioners should go back to the ASMFC and dispute the quota allocation decisions as they have basically shut RI down. Later in the meeting, G. Goodwin went on to talk about the development of his facility down in Point Judith. He stated that menhaden was one of their big plans that they had anticipated having access to when they bought the facility, and now with this management plan, they were completely shut out of the fishery. They had planned on being able to fish in federal waters and in other states and would then have brought the product back to RI for marketing. These plans were now impossible with the current fishery management that was occurring.

S. Medeiros agreed that the first step will be to work on increasing RI's quota. He also felt that the panel should think of a way to stretch the season out for the small boat cast net fishery. He began with the idea of putting in a quota trigger that, once the trigger was hit, the daily possession limit would drop to a small amount and that way the cast net fishery could keep going. G. Allen agreed with these comments and stated that he didn't understand why, when the negotiations were going on at the Commission, there wasn't a bigger push to get more quota for RI as menhaden was clearly an important economic asset for the state.

At this point D. Monti brought the discussion back to try and summarize a few of the points. He stated he understood two main themes of the discussion: 1. more quota was needed in RI and the states commissioners should work on achieving this, and, 2. the state should work on some plan to help stretch out the existing quota so the small boat cast net fishery could continue to operate and supply bait shops with fresh menhaden. J. McNamee requested that the panel detail out theme 2 so he could work this in to the upcoming public hearing slideshow. The group stated that the state should set aside some amount of fish, possibly looking in to past history of landings in RI that were not from the purse seine or floating fish trap fisheries as a good benchmark, and then when this set aside percentage was reached, prior to shutting down state waters, the possession limit should drop to 1,000 pounds per vessel per day. J. McNamee noted that he understood what the group was looking to do, but he did want to mention one thing to the group. He stated that to his knowledge, there was very little harvesting for bait shops going on through the normal channels. In other words, if this small vessel fishery was in fact occurring, it may be that it is not being reported properly and therefore will not show up in the states landings.

D. Monti asked for any last thoughts before adjourning the meeting. J. Carvalho reiterated that the state should push back hard against ASMFC and work to get more quota for the state. M. Bucko agreed and stated that the state had done a very good job of monitoring the fishery that takes place in state waters and can use this data to bolster their case that the fish that had been landed in MA were actually caught in RI, and should therefore be a part of RI's quota.

D. Monti adjourned the meeting.

**Menhaden Advisory Panel
Meeting
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ASMFC Menhaden Amendment 2

- ♦ **The 2012 stock assessment update had a high level of uncertainty**
- ♦ **Despite the uncertainty, the TC indicated that some level of overfishing was likely occurring**
- ♦ **Due to this, the management board initiated Amendment 2 to the menhaden fishery management plan**
- ♦ **Amendment 2 was approved during December of 2012, followed by a technical addendum**
- ♦ **Establishes a 170,800 MT TAC beginning 2013 and continuing until completion of, and Board action on, the next benchmark stock assessment (2014)**



ASMFC Menhaden Amendment 2

- ◆ TAC represents a 20% reduction from average of landings 2009-2011, approximately 25% reduction from 2011 levels
- ◆ TAC was developed ad hoc, could not quantify quota due to stock assessment uncertainty
- ◆ Board also adopted new biological reference points for biomass based on maximum spawning potential (MSP)
- ◆ Goal is to increase abundance, spawning stock biomass, availability as forage
- ◆ Allocates TAC on a state-by-state basis based on landings history from 2009-2011 (revisited in 3 years)



ASMFC Menhaden Amendment 2

- ◆ States required to close their fisheries when state-specific portion of the TAC has been reached
- ◆ Overages must be paid back the following year
- ◆ Provisions for the transfer of quota between states
- ◆ Includes bycatch allowance of 6,000 lbs for non-directed fisheries operating after state TAC reached
- ◆ Also establishes requirements for reporting and improved bio monitoring
- ◆ Technical addendum 1 was approved in May 2013
 - Created episodic event program for northern states



ASMFC Menhaden Amendment 2

- ♦ RI received a very small allocation due to the years chosen for average catch (RI Quota = 78,000 lbs)
- ♦ Majority of purse seine landings occur in MA, not RI, even though fishing occurs here
- ♦ Because of this, the menhaden monitoring program continues to serve an important role for management in state waters
- ♦ In addition, the Amendment 2 management has a coastwide perspective and does not account for Narr Bay considerations
- ♦ Final note, the FFT sector, who account for the majority of the RI landings counted for the quota are considered a non-directed fishery



RI Regulations to Implement Amendment 2

- ◆ RI promulgated emergency regulations on 6/20/13 to implement the requirements of amendment 2 to remain in compliance with ASMFC mandates
- ◆ These emergency regulations will be revisited on the August 15 public hearing for official public vetting and subsequent official promulgation
- ◆ The following are the regulations as promulgated through emergency, this is an opportunity for the AP to review and advise the RIMFC on these regulations
- ◆ Any other advice from the AP can be submitted to RI's menhaden Board Commissioner for discussion at the ASMFC



RI Regulations to Implement Amendment 2

16.3 Landing of Menhaden in RI Under State Quota Program – A total annual statewide quota for menhaden is hereby established. It shall be the most recent allocation as established for the State by the Atlantic States Marine Fisheries Commission (ASMFC). The quota shall pertain solely to landings of menhaden in RI. The quota shall not pertain to the possession of menhaden in RI waters prior to landing. The quota may only be harvested and landed by fishermen licensed and vessels duly authorized in accordance with the provisions of Title 20 of the General Laws and in accordance with all rules and regulations promulgated by the Department of Environmental Management. The State’s menhaden quota will be managed as follows:

16.3.1 -- The landing limit for menhaden in RI will be unlimited until the quota has been reached, as determined by the Division. Once the quota has been reached:

- (i) the landing limit will be zero for vessels associated with directed fisheries for menhaden, including but not limited to purse seine operations, and**
- (ii) The landing limit will be 6,000 pounds per vessel per day for**



RI Regulations to Implement Amendment 2

16.3.2 – All commercial menhaden operations conducted in the Narragansett Bay Menhaden Management Area, prior to and after the State's quota has been reached, are subject to the provisions of section 16.2.

16.4 – Episodic Event Set Aside Program –

(A) After the State's quota has been reached, if RI is approved to participate in the Episodic Event Set Aside Program for Menhaden, as established by the ASMFC, the landing limit for menhaden will be 120,000 pounds per vessel per day for vessels associated with directed fisheries for menhaden, until the Set Aside has been exhausted, as determined by the ASMFC and/or the Division, at which time the program will end and the directed fishery will close. Vessels who target and land menhaden in RI under this program must harvest only from RI waters and, if operating in the Narragansett Bay Menhaden Management Area, must adhere to all of the provisions governing the Narragansett Bay Menhaden Management Area, as set forth in section 16.2.



RI Regulations to Implement Amendment 2

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16.4 – Episodic Event Set Aside Program –

(B) Reporting Requirements -- Any commercial fisher intending to target menhaden under the Episodic Event Set Aside Program for Menhaden must notify the DEM Division of Law Enforcement (DLE) at (401) 222-3070 prior to taking or coming into possession of menhaden. At the time that a fisher advises the DLE of his/her intent to harvest menhaden, the DLE shall notify said fisher of any modification to the possession limit for menhaden that is applicable to operations conducted in the Narragansett Bay Menhaden Management Area.

Each said fisher shall also contact the Division of Fish and Wildlife at (401) 423-1940 at the end of each daily trip or within four hours thereof to report the amount of menhaden landed by the fisher in pounds. These menhaden-specific reporting requirements are in addition to all other existing commercial fishing reporting requirements as set forth in the RI Marine Fisheries Statutes and Regulations.



RI Regulations to Implement Amendment 2

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16.4 – Episodic Event Set Aside Program –

(C) Vessels not associated with directed fisheries for menhaden may continue to harvest and land in RI up to 6,000 pounds per vessel per day as bycatch. Such vessels are not subject to the provisions of sub-sections 16.3.2(A) and (B), but are subject to the provisions of section 16.2 with regard to operations conducted in the Narragansett Bay Menhaden Management Area, and are subject to all existing commercial fishing reporting requirements as set forth in the RI Marine Fisheries Statutes and Regulations.

16.5 – No fisher may transfer or attempt to transfer menhaden to another fisher.

