

September 19, 2022

Dear ASMFC Menhaden Management Board,

On behalf of the following organizations, we write to express our support for certain options available to the Board for approval within Draft Addendum I to Amendment 3 of the Atlantic Menhaden Interstate Fishery Management Plan, as follows:

- We support maintaining the 0.5% fixed minimum quota for each state, with allocation based off landings data from the 2018, 2019, and 2021 timeframe.
- We support increasing the episodic events set-aside program to 5%.
- We support permitted gear types of the IC/SSF provision including only non-directed gears, a 3,000 lb/day limit for small-scale gear types, and counting all IC/SSF landings against the coastwide TAC.

We would also like to express our concern with certain considerations that do not appear to be included in your deliberations. While the recent single-species stock assessment found the Atlantic menhaden stock to be above the biomass target, *how that biomass is distributed and fished along the coast are important considerations* for sustaining predators, including recovering populations of striped bass and bluefish, that depend on the availability of various year classes of menhaden (and other forage species) throughout their range. We believe that the fishery should be distributed throughout the species' known geographic range, not concentrated in the middle of its range, especially in and near sensitive natal areas like estuaries. Further, the fishery should not be dominated by industrial fisheries, but rather enable the growth of smaller-scale and local commercial and recreational fisheries. Thus, a restructuring of fishery exploitation through the following options will better benefit the overall Atlantic coast ecosystem.

Optimal, sustained fishery catches should reflect the natural age structure of the menhaden population. This would be best achieved by fishing effort that is distributed along the coast, and not concentrated nearshore in sensitive nursery habitats at the center of their range. With the fisheries' effort and catch centered at the menhaden population's natal area and focused on juveniles (ages 0-2), this prevents larger, more fecund individuals from existing in the stock.

With the recent advent and significant growth of small-scale fisheries, it becomes necessary to ensure that these catches are counted toward the coastwide TAC quota. This is simply sound fisheries management.

The decision-making processes involved in: (i) how the TAC is allocated to the states; (ii) the episodic events set-aside; and (iii) incidental catch/small-scale fisheries, are all key to accomplishing stated management priorities.

3.1.1: Allocation options for addressing the minimum allocation: **Option A**

The status quo option which allocates a 0.5% fixed minimum quota to each state is the only equitable utilization of a minimum quota system for each state participating in the interstate fishery management plan. The alternative option penalizes states with low landings and does not account for the benefits that leaving fish in that states' coastal waters could have on their other fisheries (ie: forage for

predators, etc.). States who wish to dedicate their quota to striped bass productivity, for example, should be able to do so, as these fisheries are closely linked coastwide. Furthermore, the alternative option assumes that states with low current landings will not increase their landings in the future, which goes directly against the objective of this section: to adjust allocations to align with the availability of the resource, and to reduce quota transfers.

3.1.2: Timeframes to base allocating the remaining TAC: **Option 2**

Using landings data from 2018, 2019, and 2021 most accurately reflects the current state of the fishery and the availability of the menhaden resource and best meets the addendum objectives. The ISFMP allows the Board to adjust allocation for any changes in the resource or fisheries that may occur in the future through an addendum or amendment process. This will allow the Board to adjust for current landings in the future, in a next reallocation process, to reflect how future landings may look. The current TAC allocation timeframe uses 2009-2011 landings data, which does not reflect the current stock distribution. This updated timeframe does reflect current stock distribution along the entire Atlantic coast.

3.2.1: Increase the Set-Aside: **Option 2 (Sub-Option 1)**

The objective of the EESA program is to ensure that Northeastern states can be flexible regarding episodic changes in menhaden availability. Increasing the flexibility that the Northeastern states have through increasing the EESA program to a static amount of 5%, will give them more autonomy within their states' fisheries and minimize in-season disruptions.

3.3.1: Timing of IC/SSF Provision: **No preferred option**

The options within this section would impact states differently based off other final option choices. It is not clear how this will affect the equitability of each state's fishery if they divide their allocation by sector, fishery, or gear type. The Board should consider equity among states and fisheries when addressing this section, and preservation of the viability of small-scale fisheries throughout the coast.

3.3.2: Permitted Gear Types of the of IC/SSF Provision: **Option 3**

The objective of this section is to address the volume of IC/SSF landings by removing specific gear types. Choosing this option will keep only non-directed gears within the IC/SSF provision, addressing the objective, and making the provision more straightforward regarding gear types. Gear types such as floating fish traps should not be considered together with purse seines, even if the purse seine is smaller than 150 fathoms. This option will create the most equitable definition of the provision's creation in the first place and return it to its original Amendment 2 intentions.

3.3.3: Trip Limit for Directed Small-Scale Fisheries of IC/SSF Provision: **Option 3**

If Option 3 to Section 3.3.2 is chosen, then this section is no longer necessary. However, if another option in Section 3.3.2 is chosen, creating a 3,000 lb/day trip limit for small-scale gear types will achieve the objective of this section: to sufficiently constrain landings to achieve overall management goals. This option will still allow non-directed gear types to land up to 6,000 lbs/day, while moving small-scale directed gear catch lower, to reflect the definition of the 'small-scale' aspect of the fishery more accurately.

3.3.4: Catch Accounting of IC/SSF Provision: **Option 2**

With the recent and significant growth of small-scale fisheries (SSF) comes the responsibility for fishery managers to ensure that their catch is factored into and counts toward the coastwide quota. That all catch should count against the menhaden TAC is a best practice for sound fisheries management. IC/SSF landings should be evaluated against the TAC because while they only account for a small portion of the total, they are still landings within the fishery, and should be considered as such, just as directed landings are. Whether it is a small-scale fishery or an incidental catch fishery should depend in part on whether the catch is counted against quota. In 2021, IC/SSF landings were 13.2 million lbs or 3.1% of the coastwide TAC. This option will address the objective of this section: to create a system where annual IC/SSF landings are limited and there is accountability for overages.

Lastly, we are concerned that because the latest stock assessment update does not include updated data on species which were used to create the ERP targets and thresholds, the setting of the coastwide TAC for the 2023 season may disregard vital ecosystem effects. The 2021-2022 TAC of 194,400 mt was set with the intention of keeping the fishery below the F target and above the SSB target set using ERP criteria. However, those criteria use species data from terminal year 2017. Therefore, the latest menhaden stock update does not consider the effects of the decline of the Atlantic herring stock, for example, which is a primary alternative prey species to menhaden. The 2022 Atlantic Herring Management Track Assessment concluded that herring remain overfished at just 21% of the target biomass. Within the ecosystem, the depletion of the Atlantic herring resource has likely had wide-ranging effects on both prey and predators since 2017, and these impacts will continue as the resource slowly rebuilds. Resiliency of the ecosystems on which many fisheries depend requires that we carefully consider the impacts of menhaden harvest on the forage base. Just as menhaden are increasingly important as bait to compensate for shortages of Atlantic herring, river herring, and mackerel, so too are they important as a food source for predators. Therefore, *it is imperative that we use a precautionary approach to TAC-setting for the 2023 season*, and consider the current TAC as a maximum value, not as a baseline.

Thank you for your consideration of the desires of the following organizations, representing stakeholders from each state along the Atlantic coast, and thousands of concerned anglers and citizens.

Sincerely,

Jaelyn Higgins

Forage Fish Associate

Theodore Roosevelt Conservation Partnership

Remy Moncrieffe

Policy Manager, Marine Conservation

National Audubon Society

Zach Cockrum

Senior Director, Ocean Sustainability
National Wildlife Federation

Fred Akers

Administrator
Great Egg Harbor Watershed Association

Chad Tokowicz

Government Relations Manager
Marine Retailers Association of the Americas

Sarah Ryan Hudson

Director of Advocacy
Gotham Whale

Bruce Pohlot

Conservation Director
International Game Fish Association

Greg Vespe

Executive Director
The Rhode Island Saltwater Anglers Association

Michael Waine

Atlantic Fisheries Policy Director
American Sportfishing Association

Steve Atkinson

President
Virginia Saltwater Sportfishing Association

Pam Lyons Gromen

Executive Director
Wild Oceans

John Duane

Fisheries Advocate
Wellfleet Natural Resources Advisory Board

Kellie Ralston

VP Conservation and Public Policy
Bonefish Tarpon Trust

George Jackman

Senior Habitat Restoration Manager
Riverkeeper, Inc.

Capt. Paul Eidman

Founder
Menhaden Defenders