

**Virginia Marine Resources Commission**

**Menhaden Management Advisory Committee (MMAC)**

Conducted via electronic means using WebEx

Wednesday, May 18, 2022 – 4:00 P.M.

**ATTENDANCE**

Members Present

Dr. Rob Latour (Chair)  
Shanna Madsen (Vice Chair)  
Monty Diehl  
AJ Erskine  
Daniel Knott  
Mike Leonard  
Chris Moore  
Ken Schultz

VMRC Staff Present

Adam Kenyon  
Lewis Gillingham  
Alexa Galván  
Brooke Lowman  
Joshua McGilly  
Jill Ramsey  
Somers Smott

Members Absent

Steve Atkinson  
Mark Federici

Others Present

Ben Landry  
Mark Sanford

Minutes were prepared by Alexa Galván.

**I. MMAC Welcome and Introductions**

Chair Dr. Rob Latour called the meeting to order at 4:03pm. This meeting was conducted virtually via WebEx.

**II. Approval of the November 9, 2021 meeting minutes**

Mr. Monty Diehl clarified one of his statements in the minutes that stated a captain knows exactly how many fish are on a boat, which should have said a captain knows approximately how many fish are on the boat. Mr. AJ Erskine made a motion to approve the minutes as amended, which passed by consensus.

### **III. MMAC Allocation Subcommittee Recommendations**

Vice Chair Shanna Madsen, Deputy Chief of Fisheries Management, reviewed the progress of the menhaden subcommittee on quota transfers. The menhaden purse seine bait sector achieved their quota in 2021 and is looking to be able to receive more quota in similar situations. Two ways for the purse seine bait sector to receive quota could be through transfers from other states and transfers from the other Virginia menhaden sectors. Quota transferred to Virginia from other states is divided between the three sectors—the reduction sector, the purse seine bait sector, and the non-purse seine bait sector—according to their relative sector shares. Transfers within Virginia are currently allowed by regulation between the two members of the purse seine bait sector only.

The subcommittee was not in favor of allowing states to transfer quota directly to one sector in light of ongoing reallocation efforts. The subcommittee did support allowing internal transfers between the purse seine bait and reduction sectors. Omega Protein, representing the reduction sector, offered to write a letter that stated any quota transferred from other states in 2022 and allocated to the reduction sector would be transferred to the purse seine bait sector for their use. The commission would then amend regulation to allow reciprocal transfers between the reduction and purse seine bait sectors. This system would only be in place for 2022, unless MMAC recommends continuing it. Transfers to the purse seine bait sector would be divided between licensees according to their percentage share of the bait sector quota. This would not affect percentage shares in the following year.

Mr. Diehl agreed that staff's proposal was as the subcommittee discussed. Mr. Chris Moore asked if the transfer protocol is similar to other fisheries. Deputy Chief Madsen said in any of VMRC's fisheries with individual transferable quotas, both parties must sign off that they agree to transferring and receiving quota. Deputy Chief Madsen said the regulation amendments would go before the Commission in June to go into place for July 1. After that, VMRC can approach other states to transfer quota. Mr. Moore asked if the letter from Omega agreeing to transfer their share of out-of-state transfers to the purse seine bait sector would satisfy other states willing to transfer quota. Deputy Chief Madsen said other states have said the letter would be enough for them. Mr. Ken Schultz asked if regular quota transfers are expected. Deputy Chief Madsen said transfers from other states are commonly sent to the New England states, who have had high bait needs in recent years due to the crash of the Atlantic herring fishery. Virginia has not been approached for quota because Virginia cannot transfer quota until the end of the season due to the allocation being divided between the sectors, but they have helped states with overages in the past.

Mr. Moore said he would want to see draft language for regulatory changes and Deputy Chief Madsen said staff would email the committee when the draft regulation is posted but only expects inconsequential language changes after this meeting. Chair Dr. Latour added that the

committee would review the outcome of these changes in a fall meeting. The committee recommended by consensus that the draft regulation be sent to the Commission for consideration in June.

#### **IV. Progress on Addendum 1 to Amendment 3**

Deputy Chief Madsen provided an update to the Atlantic States Marine Fisheries Commission's (ASMFC) progress on Addendum 1 to Amendment 3 to the Interstate Fishery Management Plan for Atlantic Menhaden. ASMFC voted in May to replace 2020 data with 2021 data in reallocation considerations due to COVID-19 effects on the menhaden fishery. The new timeline for Addendum 1 is for public hearings in August and September with final action in October. Chair Dr. Latour asked if 2021 is a fair representation of normal fishing activity, which Deputy Chief Madsen confirmed. Deputy Chief Madsen said she will inform the committee when public hearings are scheduled and the committee will discuss Addendum 1 at a November meeting, after ASMFC makes a final decision in October.

#### **V. Other Business**

Deputy Chief Madsen said staff have been looking into wanton waste laws from other states, but staff prioritized the quota transfer issue for this meeting. A wanton waste regulation will be discussed at the next MMAC meeting, but FMAC will also need to be consulted as this is a cross-fisheries issue.

Deputy Chief Madsen said the committee will discuss a strategic vision for MMAC at a future meeting. She also reminded the committee that bylaws require reappointments every two years, so committee members will need to submit reappointment forms if they want to continue on the committee. Mr. Moore said a strategic vision is a good idea and asked if a work session should precede the November meeting. Chair Dr. Latour said he would prefer to not have a long process, but said they can reach out to members to identify priority areas and structure deliberations.

#### **VI. Public Comment**

There were no public comments.

#### **VII. Adjournment**

The meeting was adjourned at 4:57 P.M. by Chair Dr. Latour.