

## FISHERIES MANAGEMENT DIVISION EVALUATION, 2/28/2023

**PUBLIC HEARING:** Proposal to amend Chapter 4 VAC 20-1270-10 et seq., "Pertaining to Atlantic Menhaden", to establish the percentage Virginia receives of the coastwide total allowable catch per Addendum I to Amendment 3 of the Interstate Fishery Management Plan for Atlantic Menhaden.

**ISSUES:** The Atlantic States Marine Fisheries Commission (ASMFC) approved Addendum I to Amendment 3 of the Fishery Management plan for Atlantic menhaden at their annual meeting in November 2022. Addendum I addresses commercial allocations, the Episodic Event Set Aside (EESA) Program, and the Incidental Catch/Small-Scale Fishery (IC/SSF) Provision. Additionally, the ASMFC Menhaden Board increased in the coastwide total allowable catch or landings (TAC) of menhaden at the November 2022 meeting. The 2023-2025 coastwide TAC is 233,550 metric tons.

For Virginia, the total allowable commercial landings are 384,172,558 pounds for 2023 (Table 1). This amount represents 75.21% of the coastwide TAC after 1% is set aside for episodic events. All sector-based percentages remain the same per regulation. The purse seine menhaden reduction sector share is 90.04%; the purse seine menhaden bait sector share is 8.38%; and the non-purse seine menhaden bait sector share is 1.58% of the total allowable commercial landings. All the 2023 quotas can be found in Table 1.

**BACKGROUND:** Addendum I addresses commercial allocations, the Episodic Event Set Aside (EESA) Program, and the Incidental Catch/Small-Scale Fishery (IC/SSF) Provision. Regarding allocations, the Addendum creates a three-tiered system for minimum allocations to the states, with Pennsylvania receiving 0.01%; South Carolina, Georgia, Connecticut, Delaware, North Carolina, and Florida receiving 0.25%; and the remaining states continuing to receive a minimum of 0.5%. Furthermore, the Addendum allocates the remainder of the TAC, excluding the 1% for episodic events in the states of New York through Maine under the EESA Program, on a state-by-state basis based on landings history of the fishery from 2018, 2019, and 2021. Under the IC/SSF provision, the Addendum codifies the ability for states to elect to divide their quotas into sectors, enabling individual sectors to enter the provision at different times. Additionally, the Addendum removes purse seines as a permitted small-scale directed gear, thereby, prohibiting them from harvesting under the IC/SSF provision. Finally, the Addendum counts IC/SSF landings against the TAC and if IC/SSF landings cause the TAC to be exceeded, then the Board must take action to modify one or both of permitted gear types and trip limits under the provision. The Addendum also continues to prohibit the rollover of unused quota, maintains the 6,000 pounds trip limit for applicable gear types following the closure of a directed fishery, and keeps the current Chesapeake Bay Cap, which was first implemented in 2006 to limit the amount of reduction harvest within the Bay, at 51,000 mt. The only

change to Virginia's regulation to meet the requirements of this addendum, is to adjust the percent allocation of the TAC that Virginia receives from ASMFC annually.

In November 2022, the Board considered varying levels of TAC. In determining which level to set the TAC, the ASMFC Board considered recent updates to the fecundity (FEC) reference points and current stock condition. According to the latest updated assessment results, the estimate of fecundity (a measure of reproductive potential) was above both the ERP FEC target and threshold indicating the stock was not overfished, and the stock status found that overfishing is not occurring. The Board passed a TAC of 233,550 mt for 2023-2025 based on the ERPs. The overall TAC will remain static for those years, only varying slightly due to the Atlantic states' ability to relinquish quota back to ASMFC by December 1 of each year. The relinquished quota is then redistributed to the remaining states based on state allocation percentages. The amount of relinquished quota each year is small in comparison to the coastwide TAC.

Because these allocation percentages will remain static and the TAC will only vary slightly for 2023-2025, staff is recommending that Virginia's percent allocation be added to the regulation and the resulting total commercial allocation number be removed. This increases regulatory efficiency, so the regulation does not need to be modified yearly (a goal of the current administration) and is modeled after several other species that the Commission has previously approved (ex. bluefish and black sea bass). Permit holders for the purse seine fisheries receive their share by letter yearly and staff administratively monitors and notifies the non-purse seine menhaden sector when they move into the incidental catch provision per regulation.

**STAFF**

**RECOMMENDATION:**

Proposal to amend Chapter 4 VAC 20-1270-10 et seq., "Pertaining to Atlantic Menhaden", to establish the percentage Virginia receives of the coastwide total allowable catch per Addendum I to Amendment 3 of the Interstate Fishery Management Plan for Atlantic Menhaden.

**TABLES:**

**Table 1.** Total allowable commercial landings by sector and gear type.

Virginia (lbs, 75.21% allocation)	384,172,558.00
QUOTAS (lbs)	
Purse Seine Reduction Sector (90.04%)	345,908,971.22
Purse Seine Bait Sector (8.38%)	32,193,660.36
Non-purse Seine Bait Sector (1.58%)	6,069,926.42
<i>Cast net (0.04%)</i>	2,427.97
<i>Dredge (0.06%)</i>	3,641.96
<i>Fyke Net (0.04%)</i>	2,427.97
<i>Gill net (30.31%)</i>	1,839,794.70
<i>Pound net (67.98%)</i>	4,126,335.98
<i>Haul seine (0.40%)</i>	24,279.71
<i>Trawl (1.17%)</i>	71,018.14