



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: Atlantic Menhaden Management Board
FROM: Michael Waine, Plan Review Team Chair
SUBJECT: Implementation Plan Requirements for Amendment 2 Compliance
DATE: February 26, 2013

This memorandum details the implementation requirements for Amendment 2 to the Interstate Fishery Management Plan for Atlantic Menhaden. States must submit implementation plans by April 15, 2013, but are encouraged to submit them early if possible. Amendment 2 will be effective on July 1, 2013, however beginning on January 1, 2013 all Atlantic menhaden landings will count towards a state’s total allowable catch (TAC).

Amendment 2 Compliance Criteria

- An implementation plan must be submitted by April 15, 2013 detailing the state’s actions to fully implement the requirements of Amendment 2. States must demonstrate (e.g., through inclusion of regulatory language) that the compliance criteria as listed below are satisfied. Please follow the numbering format when submitting implementation plans.
- Commercial Fishery Management Measures**
 - A mechanism to close directed commercial fisheries in your state once the TAC (or a percentage thereof) has been reached (see TAC table below). Every state is required to submit their official dated closure notice to the Commission at the time of closure and as part of their annual compliance reports (*TAC Specification 4.2.1.1 and TAC Allocation 4.2.1.3*).

| State | Allocation % | TAC (MT) |
|-------|--------------|-----------|
| ME | 0.04 | 66.58 |
| NH | 0.00 | 0.05 |
| MA | 0.84 | 1417.94 |
| RI | 0.02 | 30.29 |
| CT | 0.02 | 29.50 |
| NY | 0.06 | 93.76 |
| NJ | 11.19 | 18924.42 |
| DE | 0.01 | 22.33 |
| MD | 1.37 | 2320.98 |
| PRFC | 0.62 | 1049.69 |
| VA | 85.32 | 144272.84 |
| NC | 0.49 | 833.23 |
| SC | 0.00 | 0.00 |
| GA | 0.00 | 0.00 |
| FL | 0.02 | 30.39 |

Note: The table of final TAC allocations was based on a coastwide TAC of 170,800 metric tons (MT) with a 1% TAC set aside for episodic events. These TACs are subject to change based on the number of states that opt into the episodic set aside.

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- b) A mechanism to adjust a state's TAC as required by the Atlantic States Marine Fisheries Commission.
- c) A mechanism to enable transfer of unused TAC between states if warranted, and the ability to adjust a state's TAC as it relates to the transfer of quota (*Quota Transfers 4.2.1.4*).
- d) A repayment mechanism to reduce the subsequent year's quota to account for any over-harvest of the TAC on a pound for pound basis (*Quota Payback 4.2.1.6*).
- e) A bycatch allowance mechanism for non-directed fisheries following the harvest of the state's TAC and closure of directed fisheries (*Bycatch Allowance 4.2.1.7*).
Bycatch allowance has the following mandatory provisions:
 - i. 6,000 pound bycatch landing limit per calendar day for all non-directed fisheries
 - ii. Prohibit a vessel from making multiple trips in one day to land more than 6,000 lbs
 - iii. Prohibit the use of multiple carrier vessels per trip to offload bycatch exceeding 6,000 pounds
 - iv. Bycatch reporting requirements as detailed in section 2(b).
- f) A mechanism to adjust a state's TAC and effort controls if opting into the episodic events set aside (*Episodic Events Set Aside 4.2.1.8*). Logistics of the episodic events set aside are still being developed by the Board including a qualifying definition of an episodic event. Therefore, at this point, implementation plans do not need to address this set aside.
- g) For Virginia only, a Chesapeake Bay reduction fishery harvest cap with the following provisions. (*Chesapeake Bay Reduction Fishery Harvest Cap 4.2.2*.)
 - i. Prohibit harvest for reduction purposes within the Chesapeake Bay when 100% of 87,216 metric tons (mt) is harvested from the Chesapeake Bay.
 - ii. A repayment mechanism to reduce the subsequent year's harvest cap to account for any over-harvest of the cap on a pound for pound basis.
 - iii. A rollover mechanism to increase the subsequent year's harvest cap to account for unlanded fish to a maximum of 10,976 mt. The rollover applies to the following year only, and will not be carried for multiple years.

Note—All harvest within the Chesapeake Bay will count against the state's overall TAC

2. Monitoring Requirements

- a) A catch reporting system to enable weekly monitoring of a state's TAC, unless a state can demonstrate the effectiveness of an alternate reporting time schedule as approved by the Board (*Quota Monitoring 3.6.1.2*). A state's catch reporting plan must include the following information.
 - i. Indicate whether harvesters, dealers, or both are required to submit reports. The PRT recommends harvester reporting to account for Atlantic menhaden retained for personal use.
 - ii. Specify the amount of detail reported (e.g., trip level or summary). Define the data elements that are required to be collected (by license type or gear type where applicable). The Amendment recommends trip level reporting with the minimum data reporting elements as required by the Atlantic Coastal Cooperative Statistics Program. (1) trip start date (2) vessel identifier (3) individual fisherman identifier (4) dealer identification (5) trip number (6) species (7) quantity (8) units of measurement (9) disposition (10) county or port landed (11) gear (12) quantity of gear (13) number of sets (14) fishing time (15) days/hours at sea (16) number of crew (17) area fished.
 - iii. The plan must require purse seine and bait seine vessels (or snapper rigs) submit trip level reports (e.g., Captain Daily Fishing Reports).
 - iv. Specify the frequency and mechanism of submitting reports. The Amendment recommends weekly reporting.

- b) A mechanism to require timely reporting of bycatch allowance landings by non-directed fisheries through the reporting system approved by the Board in section 2(a).

Note—All bycatch from non-directed fisheries during a closed season must be reported separately from directed harvest in annual compliance reports. Bycatch during the open season will count towards a state’s TAC.

- c) A mandatory biological sampling program to collect age and length data from the commercial bait harvest to support improved stock assessments (*Biological Data 3.6.2.1*).
 - i. One 10-fish sample (age and length) per 300 metric tons landed for bait purposes for ME, NH, MA, RI, CT, NY, NJ, DE.
 - ii. One 10-fish sample (age and length) per 200 metric tons landed for bait purposes for MD, PRFC, VA and NC

Note—The Amendment recommends collecting the samples by gear type and defines each 10 fish sample as an independent sampling event; therefore, multiple 10-fish samples should not be collected from the same landing event.

- d) A mandatory monitoring/sampling program that requires all states with a pound net fishery collect catch and effort data elements (*Adult CPUE Index 3.6.2.2*). Mandatory reported data elements are,
 - i. total pounds (lbs) landed per day
 - ii. number of pound nets fished per day

Note—In order to characterize selectivity of this gear in each state, a goal of collecting five 10-fish samples from pound net landings annually is recommended.

3. *De minimis*

- a) State(s) with a reduction fishery are not eligible for *de minimis* consideration. To be eligible for *de minimis* status, a state’s bait landings must be less than 1% of the total coastwide bait landings for the most recent two years (*Criteria for De Minimis Consideration 4.5.3.1*).

Note—Based on 2010-2011 bait landings data, ME, NH, RI, CT, NY, DE, SC, GA, and FL are eligible for *de minimis* status in 2013).

- b) If granted *de minimis* status by the Board, states are exempt from implementation of 2(c) and 2(d), but must still submit a plan to implement all other compliance criteria as detailed in this memo. The Board also approved a *de minimis* exemption for NH, SC and GA from implementation of timely reporting, but those states are still required to describe their current reporting structure following the guidance in section 2(a). (*Plan Requirements if De Minimis Status is Granted 4.5.3.2*)

This memorandum is a summary of the Amendment 2 compliance requirements to assist states with the implementation of Amendment 2. Amendment 2 contains the specific regulatory and monitoring language as referenced in this memo. Please contact Michael Wayne at mwayne@asmfc.org or (703) 842-0740 if you have questions regarding the specific compliance criteria or implementation procedure of Amendment 2.