

Minutes  
Shellfish Advisory Board  
December 28, 2016  
Wellfleet COA

Present: John Duane, Barbara Austin, Jacob Puffer, Tom Siggia, Zack Dixon, Jim O'Connell (9:15 a.m.), Rebecca Taylor (9:15 a.m.), Brett Morse

Regrets: Tom Siggia

Others in Attendance: Andy Koch, John Mankevetch, Helen Miranda Wilson, Barbara Brennessel, Dan Hoort, Fred Richard

Meeting called to order 9:04 a.m.

1. MINUTES

**Jake Puffer made a motion to approve the Dec 12 minutes, Barbara seconded, motion approved 5-0.**

2. ANNUAL REPORT

Zack has amended the report to show 10 meetings during 2016 and has added Menhaden management and the Norovirus outbreak to the annual report.

Barbara noticed that gem clams were included and should not have been. Zack made the change.

**Barbara made a motion to approve the Annual Report, Jake seconded, motion approved 5-0.**

3. MENHADEN AMENDMENT 3 PID COMMENT LETTER

ASMFC is considering a change to managing the Menhaden from an ecosystem management system (rather than a fishing management system).

John brought this to SAB because they Menhaden (filter feeders) share the harbor with us and a healthy harbor is good for everyone.

John presented a draft letter to ASMFC from SAB and WNRAB (attachment 1). The letter supports a change in the regulations and makes specific recommendations based on the ASMFC Public Information Document.

**Barbara made a motion to approve the letter, Brett seconded, motion approved 6-0.**

#### 4. 2017 GOALS

1. Barbara brought up working with HRRP.

Barbara Brennessel announced that HRRC would like to host an informational meeting to clear up any issues/misinformation (major topics are sediment transport, water quality). HRRC wants to bring in the scientists who did the studies.

HRRC would like SAB to co-sponsor this meeting and also figure out a good time to have the meeting.

Jake and Barbara suggested the week of March 20th at 7:00 p.m.

2. Discussion of contact list for all shellfishing permit applicants.

Zack will send draft letter from Nov. 10 to the Town Administrator and he will create the contact form to include with all applications.

**John made a motion to co-sponsor a HRRC informational meeting in March. Jim seconded. Approved 7-0.**

3. Dan Hoort recommended updating the Shellfish Management Plan.

4. Jake wondered if SAB should develop a long range shellfishing development plan

5. Brett thanked SPAT for their response and help during the Norovirus outbreak.

6. Brett would like to see a focus on the wild fishery during 2017. He has some ideas relating to a seed program.

7. Andy mentioned:

- the Shellfish Dept. Budget needs a funding increase (Dan Hoort said that he will support an increase if Andy comes forward with a concrete plan of where the money will be used)

- the possibility of high school or other students helping the Shellfish Dept. as interns

#### 5. BLOOD ARK CLAMS REGULATIONS

The changes to the regulations will be reviewed at next meeting.

Meeting adjourned at 10:17 p.m.

## **ATTACHMENT 1**

To: ASMFC Menhaden Management Board January 2, 2017

Re: Atlantic Menhaden Amendment 3 PID public comments

Dear ASMFC Menhaden Management Board members:

We are pleased to be offered the opportunity to comment on development of amendment 3 for Atlantic Menhaden, which will begin a new era in management for this important forage species.

**Issue 1, Reference Points:** We believe that ecosystem management is required for menhaden. The health of the many species of fish, birds and mammals dependent upon them should be the first priority when managing this important forage species. A healthy marine ecosystem which supports a healthy stock of those species of fish, many of which the ASMFC manages, helps to fuel a robust economy in our small coastal fishing community. **Option D – leaving 75% of an unfished biomass in the water** until menhaden specific Ecosystem Reference Points (ERP's) are developed makes the most sense at this time.

**Issue 2, Quota Allocation:** We need to re-evaluate the current allocation arrangement which unfairly favors a small number of ASMFC member states. Our belief is that menhadens importance to the ecosystem, the bait industry, and the reduction industry should all be considered in that order. Revising the current allocation by splitting the quota equally between the 15 member states would appear to be the most equitable allocation of this public resource. It would offer the advantage of reducing localized depletion resulting from centering the majority of the catch in a relatively small geographical area. This will certainly pose a backlash from the reduction industry, where 85% of the catch unfairly goes to Virginia where the sole remaining East Coast reduction plant still exists. Although the ASMFC is not a federal agency, some government guidelines regarding a fair allocation of a public resource is provided for in NOAA's National Standards 4:

*“Conservation and management measures shall not discriminate between residents of different states. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (a) fair and equitable to all*

*such fishermen; (b) reasonably calculated to promote conservation; and (c) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privilege.”*

This points out the inequity of one corporation receiving an unfair allocation of a public resource. The time has come to begin phasing out this arrangement through Amendment 3. As stated in amendment 2, allocation is to be reconsidered every 3 years. There is a chance here to begin slowly phasing in a more equitable allocation arrangement beginning in 2018. After considering the many options offered in this PID, we believe the best path forward will be by **keeping options B, F, and G in the final document for public comment**. They provide the best likelihood to shift the catch away from one central location, and spread out the fishing pressure more equally throughout menhadens historic range. We also believe that options **C, G and H should be removed** from consideration for various reasons including overly complex regulatory difficulties, and a tendency for a race to catch fish. We hope that as we move ahead, a shift away from the current allocation arrangement will result in a fishery that looks quite different than it does today!

**Issue 3, Allocation timeframe:** When considering the appropriate timeframe with which to base management decisions on, we feel that restricting the timeframe to a short time series by considering only

those years post 2009 unfairly excludes catch history of many ASMFC states. **Catch from as early as 1955 when the stock was more widely distributed** should absolutely be considered in determining the allocation timeframe.

#### **Issue 4, Quota Transfers and Overage Payback**

Quota transfers should be unrestricted if completed prior to a state exceeding its quota.

#### **Issue 5: Quota Rollovers**

Quota rollovers should not be allowed. Rollovers may lead to unintended consequences with regard to localized depletion or quota allocation on a year to year basis.

#### **Issue 6: Incidental Catch & Small Scale Fishery Allowance**

All the catch should be counted. The current bycatch loophole allows several million pounds of menhaden to be caught, but not counted toward the TAC. The problems this exemption seeks to address should be resolved through allocation.

#### **Issue 7: Episodic Events Set Aside**

The episodic events set aside is unnecessary, assuming the Amendment 3 allocation scheme is more equitable.

#### **Issue 8: Chesapeake Bay Reduction Fishery Cap**

Please protect the Chesapeake Bay nursery. The Bay remains the primary nursery for the Atlantic Menhaden population, and is unfortunately the area where the majority of catch is concentrated. The cap should be kept in Amendment 3, but should be cut in half to 96 million pounds to protect against localized depletion, and to provide for the many predators that depend on menhaden in the Bay.

#### **Issue 9: Research Programs and Priorities**

The ASMFC should focus on fishery independent research into the life history, migration, historical abundance, water filtration role, effects of localized depletion, and food web interactions of menhaden. It is important that additional research be conducted to better understand the ecological implications of large-scale menhaden fishing. A “research set aside” (RSA) for menhaden would have to be well designed and is probably not a good idea. In recent years, RSA programs have been abused in the Atlantic, and it is risky to set one up for this fishery.

In 2016 Wellfleet saw a marked increase in menhaden abundance for the first time in years. We believe this is a direct result of those catch limits enacted in 2013. Please consider reducing the coastwide TAC to 170.760 MT as approved in 2012 at the ASMFC meeting in Baltimore. This will ensure the rebuilding trend continues, and will allow menhaden to reclaim their historic range on the East Coast.

Thanks for considering our comments, and for the productive time you’ve spent in the development of amendment 3.

Sincerely,

The Wellfleet Shellfish Advisory Board:

*Barbara Austin (Chair), Zack Dixon, John Duane, James O'Connell, Chip Morse, Jacob Puffer, Thomas Siggia (Alternate), Rebecca Taylor*

The Wellfleet Natural Resources Advisory Board:

*John Riehl (Chair), John Duane, Laura Hewitt, Thomas Slack, Sylvia Smith*

Cc: David Pierce Sarah Peake

William Adler