



The Commonwealth of Massachusetts

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MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director 

DATE: September 14, 2023

SUBJECT: **Future Public Hearing Item: Commercial Menhaden Management**

Proposal

I plan to take to public hearing this winter two potential revisions to the commercial menhaden rules relevant to quota management: 1) returning to a June 1 start date for the purse seine fishery, and if adopted, adding a July 1 conditional date to the onset of the 25,000-lb trip limit; and 2) adding a conditional date of September 1 to the 50% quota use trigger that drops the trip limit from 120,000 lb to 25,000 lb, and if adopted, clarify that Friday remains a closed purse seine day for as long as the 120,000-lb trip limit is in effect.

Rationale

Broadscale revisions were made to the state's commercial menhaden regulations for the 2023 fishing season. A portion of these were focused on updating the quota management scheme in response to the Interstate FMP's revised state-by-state commercial quota allocations, removal of purse seines from the incidental catch/small-scale fishery (IC/SSF) allowance, and an increased Total Allowable Catch for 2023–2024. Through these interstate management revisions, Massachusetts saw a doubling of its starting quota (though likely less opportunity for quota transfers) but with a hard stop on purse seine fishing once the quota was taken (unless able to access the Episodic Event Set Aside). This led to a series of regulatory changes affecting the season, open days, and trip limits to control the pace of the fishery for multiple purposes (e.g., avoid market glut, align with bait need, maintain historical access, minimize user conflict).

Importantly, the specifics of these regulatory revisions were formulated in large part based on recent trends in menhaden temporal and spatial distribution patterns. Since the onset of state-by-state quota management, Massachusetts (and New England in general) had seen a nearly consistent trend of increased and prolonged nearshore availability of menhaden, to which the fishery had responded and grown in parallel, with 2022 culminating in over 10 million pounds of menhaden being landed in the Commonwealth and a directed fishery closure in late July.

However, these menhaden distribution trends changed significantly in 2023. The June 15 purse seine start date prevented early access to the fish that did arrive, and once opened, landings have been

much slower than prior years (Figure 1). We do not have reason to believe that the overall abundance of menhaden has declined given landings occurring elsewhere, just that the localized availability in Massachusetts was different this year. Historians of menhaden stock dynamics would not be entirely surprised by this, and 2023 has shown that adding a bit more flexibility into the management to allow the fleet to catch the quota under a wider range of circumstances is warranted.

To this end, I am making two proposals for regulatory changes to be potentially implemented for the 2024 season:

- 1) Revert the June 15 start date for the purse seine fishery to June 1 (as it was in 2022 for any landings above 6,000 pounds).

In connection with the above, we could also establish a conditional “no-sooner-than” start date for the 25,000-lb trip limit, for example July 1. In years where 50% of the quota is taken quickly after the fishery’s opening on June 1 (the 2022 fishery showed June 15 was possible), this would provide a pause before the mid-scale fishery would start on July 1—with potential benefits to season length and market saturation. This was suggested as an alternative to the later season start date during public comment on the proposed 2023 rules. The rule could allow for all gears (including purse seine) to fish at the 6,000-pound small-scale level during the interim. In slower years, the fishery would seamlessly transition from the 120,000-lb trip limit to the 25,000-lb trip limit whenever the 50% quota use trigger is met (after July 1). In either instance, the 120,000-lb trip limit would apply through 50% quota use, but the 25,000-lb trip limit would not commence until July 1 or later.

- 2) Add a conditional date of September 1 to the 50% quota use trigger, such that if 50% quota use occurs on or after September 1, the trip limit will stay at 120,000 pounds rather than drop to 25,000 pounds. If 90% quota use were subsequently attained, a 25,000-lb trip limit would apply for the remaining 10% of quota per the existing conditional date of September 1 in the 90% quota use trigger to drop to 6,000 pounds. This date criterion was added to the 2023 rulemaking package based on public input that was concerned that the 6,000-lb trip limit could leave too much quota on the table if the 90% trigger was reached late season, and that the rationale for dropping the trip limit to prolong the season was moot by September 1. The 2023 fishery showed us that such a provision should also be considered for dropping the trip limit from 120,000 lb to 25,000 lb.

In connection with the above, we would also clarify that the purse seine closed days of Friday–Sunday apply for as long as the 120,000-lb trip limit is in effect, rather than through 50% quota use. This is consistent with how and why the Friday closed day was discussed in the 2023 public hearing proposal, but the rule was written relevant to quota use rather than the trip limit in place, not foreseeing that the 120,000-pound trip limit situationally stay in effect beyond 50% quota use as proposed herein.

These proposals are summarized in Table 1.

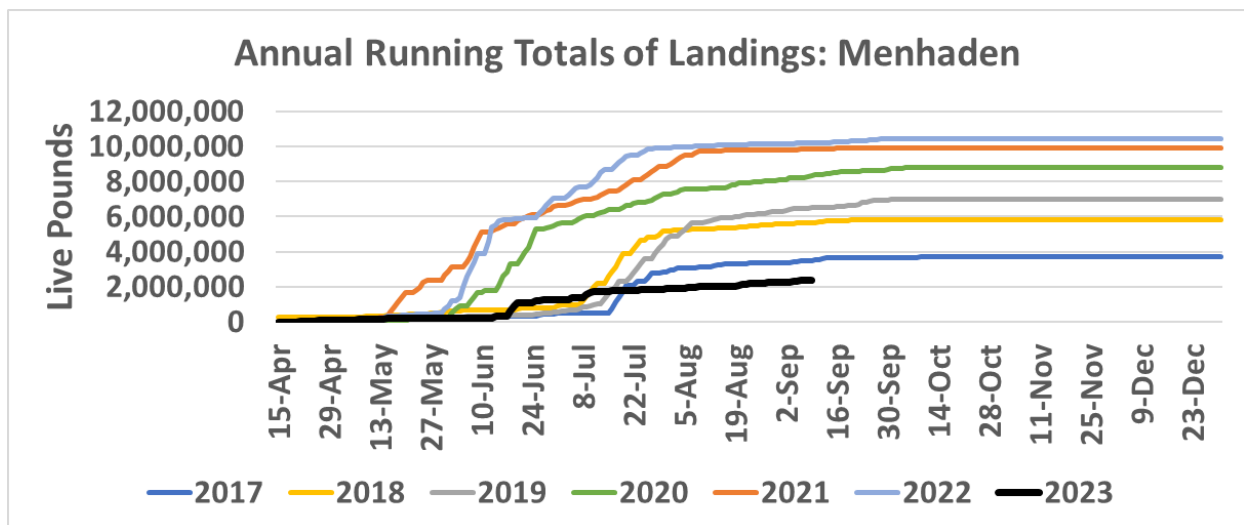


Figure 1. Annual running total of Massachusetts menhaden landings, 2017–2023, as of 9/9/23. Data Source: SAFIS eDR.

Table 1. Summary of proposed changes for 2024, compared to relevant 2022 and 2023 rules.

	Purse Seine Season Start	Trip Limits and Quota Use Triggers (Limited-Entry Fishery)	Purse Seine Open Days (area and date specific exceptions omitted)
2022	June 1 for landings above 6,000 lb.	<ul style="list-style-type: none"> 125,000-lb trip limit until 85% quota use. 25,000-lb trip limit from 85% to 100% quota use. All gears may continue at 6,000-lb IC/SSF trip limit after 100% quota use. 	Monday – Friday
2023, with proposed revisions for 2024	June 1 for all purse seine landings June 1 for all purse seine landings	<ul style="list-style-type: none"> 120,000-lb trip limit until 50% quota use. 25,000-lb trip limit from 50% quota use, provided this occurs after June 30 and prior to September 1, through 90% quota use. If 50% quota use occurs prior to July 1: 6,000-lb trip limit through June 30, then 25,000-lb trip limit on July 1 through 90% quota use. If 50% quota use occurs on or after September 1: 120,000-lb trip limit through 90% quota use. 6,000-lb trip limit from 90% quota use, provided this occurs prior to September 1, through 100% quota use. If 90% quota use occurs on or after September 1: 25,000-lb trip limit through 100% quota use. All gears except purse seine may continue at 6,000-lb IC/SSF trip limit after 100% quota use. 	Monday – Thursday until 50% quota use Monday – Thursday until 50% quota use while 120,000-lb trip limit applies; then Monday – Friday until 100% quota use while 25,000-lb or 6,000-lb trip limit applies.