



## Massachusetts Lobstermen's Association

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### **Re: Redistribution of Coastwide Menhaden Quota Allocation**

Dear Atlantic Menhaden Management Board Members:

The Massachusetts Lobstermen's Association (MLA), representing ~1,800 commercial fishermen and fishing-related businesses throughout Massachusetts and the New England region, submits these comments in support of redistributing a portion of the Atlantic menhaden quota currently allocated to Virginia to other states and regions where the resource can be harvested while supporting the broader needs of the coastwide fishery and ecosystem.

The MLA recognizes the important role that menhaden play as a forage species throughout the Atlantic ecosystem. Menhaden support numerous commercially and recreationally important species, including lobster and other fisheries that are economically important to Massachusetts and New England fishermen.

The current allocation structure warrants reconsideration. Under the existing Interstate Fishery Management Plan, Virginia receives 75.21% of the coastwide Total Allowable Catch (TAC), while Virginia's purse-seine reduction sector is allocated 90.04% of Virginia's quota, giving the reduction fishery the potential to harvest approximately 67.04% of the entire coastwide TAC.

The MLA believes this concentration of allocation is no longer appropriate given changes in the fishery, the ecosystem, and the geographic distribution of menhaden and the fisheries that depend upon them.

Chesapeake Bay is recognized as a critical nursery area for menhaden, and the draft addendum itself identifies concerns regarding localized depletion and the concentration of reduction harvest within the Bay. The draft further documents that approximately 50% of reduction-fishery effort during 2021–2025 occurred within Chesapeake Bay.

At the same time, the management system currently treats Virginia's allocation as a fixed percentage of the coastwide TAC. This creates an inequity in which a very large share of the coastwide resource remains tied to one state and one sector, regardless of where menhaden is most abundant or where additional harvest opportunities may exist.

The MLA therefore supports reviewing and revising the state-by-state allocation formula to provide a more equitable distribution of the coastwide TAC. Where reductions in harvest are necessary in Chesapeake Bay to protect forage availability, those reductions should not automatically translate into a loss of opportunity for the coastwide fishery. Instead, consideration should be given to redistributing appropriate portions of the allocation to other states and regions.

This approach would provide greater flexibility while recognizing that menhaden are a coastwide resource. It would also allow the Management Board to address localized concerns in Chesapeake Bay without disproportionately restricting opportunities for fishermen in other areas.

The draft addendum appropriately recognizes that the Bay Cap and coastwide TAC serve different purposes and that changes to the Bay Cap do not currently affect state allocations. The MLA believes this distinction should be reconsidered. Management measures designed to reduce localized harvest in Chesapeake Bay should be accompanied by a broader examination of how the resulting allocation and fishing opportunity are distributed along the Atlantic coast.

The MLA also believes that any allocation review should be based on current and scientifically supported information, rather than relying solely on historical landings that may no longer accurately reflect the distribution of the resource, fishing opportunity, or the needs of dependent fisheries. The current Virginia allocation is based on landings from 2018, 2019, and 2021, while the Virginia reduction allocation is based on average landings from 2002–2011.

A system based substantially on historical harvest can perpetuate an allocation structure long after conditions have changed. The MLA believes allocations should be periodically evaluated to ensure that they reflect current resource conditions, ecosystem needs, participation, and the economic importance of menhaden to fisheries throughout the coast.

### **3.1 Chesapeake Bay Reduction Fishery Cap Amount**

#### **The MLA supports Option C — Linking the Bay Cap to Coastwide TAC.**

The MLA supports linking the Chesapeake Bay Reduction Fishery Cap to the coastwide TAC, with a 20% reduction from the current 2026 Bay Cap proportion as the preferred starting point, consistent with Option C1c. We also support establishing a lower limit that provides meaningful protection for menhaden availability in Chesapeake Bay, rather than allowing the Bay Cap to increase substantially with future TAC increases.

The MLA believes that a fixed Bay Cap based on historical harvest does not adequately account for current conditions or the importance of menhaden as a forage species. Linking the Bay Cap to the coastwide TAC would provide a more responsive management approach and ensure that changes in the coastwide fishery are reflected in Chesapeake Bay.

The MLA supports a precautionary approach because menhaden are an important forage species for commercially and recreationally important fisheries, including the Massachusetts lobster fishery. The draft addendum recognizes concerns about reduced menhaden availability in Chesapeake Bay and the potential for localized depletion.

The MLA believes that reductions in the Chesapeake Bay Reduction Fishery Cap should not automatically result in lost coastwide fishing opportunity. Because the Bay Cap is a component of Virginia's state allocation, the Board should consider whether a portion of any reduction in Bay

harvest can be made available to other states and regions where menhaden can be harvested responsibly.

The MLA supports a management approach that protects localized forage availability while recognizing that menhaden are a coastwide resource. Any redistribution should be based on the coastwide TAC, current scientific information, and the needs of fisheries throughout the Atlantic coast.

The MLA encourages the Board to consider a more comprehensive review of the state-by-state allocation formula. Virginia currently receives 75.21% of the coastwide TAC, and its purse-seine reduction fishery has the potential to harvest approximately 67.04% of the coastwide TAC. The MLA believes that a more equitable allocation structure would better reflect the coastwide nature of the resource and provide additional opportunities for Massachusetts and other New England fishing communities.

### **3.2.2 Quota Period Overages and Underages**

**The MLA supports Option A – No payback for quota period overages with rollover of unused quota within a fishing year.**

This option provides the greatest flexibility for the commercial fishing fleet and recognizes that fishing conditions, weather, market conditions, and availability of menhaden can vary significantly throughout the fishing year.

The MLA believes that unused quota should remain available to the fleet and be allowed to roll forward into subsequent quota periods, rather than being lost. This is particularly important for Massachusetts fishermen, who may have limited opportunities to harvest during a specific quota period due to weather, fish availability, vessel operations, or other unavoidable circumstances.

The MLA also opposes a system that would impose additional penalties or reduce future fishing opportunities because a vessel exceeds an individual quota-period allocation while the overall Bay Cap has not been exceeded. Such a system could unnecessarily restrict fishing activity and disproportionately affect states and fleets that have fewer opportunities to harvest menhaden.

The MLA recommends adoption of Option A, with the strongest possible rollover provisions. Unused quota from earlier periods should remain available throughout the fishing year and should not be forfeited. The management approach should maximize the opportunity for commercial fishermen, including the Massachusetts fleet, to fully utilize available quota while maintaining the overall conservation limits established by the Bay Cap.

The MLA further recommends that any unused quota or available quota capacity should not be used as justification to restrict Massachusetts fishermen's access or fishing time. Massachusetts and other non-Chesapeake Bay fleets should have meaningful opportunities to harvest available coastwide quota, and future management measures should provide greater flexibility in both quota and fishing time for these fleets.

### **3.3 Chesapeake Bay Reduction Fishery Cap Revisit Provision**

**The MLA supports Option B – Revisit Provision, requiring the Chesapeake Bay Reduction Fishery Cap to be revisited every three years.**

A mandatory three-year review is important because the menhaden fishery, stock status, environmental conditions, and scientific understanding can change over time. The Bay Cap should not remain in place indefinitely without a formal opportunity to evaluate whether it continues to be scientifically justified and equitable to all Atlantic states and commercial fishing interests.

The MLA believes the three-year revisit should include a thorough review of menhaden abundance, ecosystem needs, scientific information, actual harvest levels, the effectiveness of the Bay Cap, and the distribution of fishing opportunities among the states. The review should also consider whether available menhaden quota is being fairly and efficiently utilized.

Most importantly, the MLA believes that Massachusetts fishermen and other non-Chesapeake Bay fleets should not be disadvantaged by management measures that concentrate a disproportionate share of the fishery in the Chesapeake Bay. If science supports a reduction in the Chesapeake Bay harvest or demonstrates that the existing allocation is no longer appropriate, the Board should be prepared to consider adjustments that provide additional quota and increased fishing opportunities to Massachusetts and other states.

The three-year revisit should therefore be more than a procedural exercise. It should provide a meaningful opportunity for the Board to make changes when warranted by science, fishery performance, or equity among the states.

The MLA recommends adoption of Option B and supports a mandatory three-year review of the Chesapeake Bay Reduction Fishery Cap, with consideration of corresponding adjustments to quota allocations and fishing opportunities that increase access for Massachusetts commercial fishermen when supported by the available science and fishery data.

The Massachusetts Lobstermen's Association respectfully recommends that the Management Board:

1. **Initiate a formal review of the current state-by-state allocation formula for Atlantic menhaden.**
2. **Evaluate whether Virginia's current 75.21% allocation remains equitable and appropriate** given current resource conditions and the needs of other states and fisheries.
3. **Consider redistributing a portion of Virginia's allocation to other states and regions,** particularly where menhaden availability and ecosystem need support additional fishing opportunity.
4. **Ensure that reductions to Chesapeake Bay harvest do not automatically result in lost coastwide fishing opportunity** when the scientific information supports harvesting the resource in other areas.
5. **Develop an allocation system that is periodically reviewed and updated** using current scientific, biological, economic, and fishery-dependent information.
6. **Recognize the needs of fisheries throughout the Atlantic coast,** including the Massachusetts and New England lobster fishery, which depends upon a healthy and abundant forage base.
7. **Maintain flexibility in the management system** so that quota can be directed toward areas where harvesting can occur responsibly without compromising localized conservation objectives.

The MLA appreciates the Management Board's consideration of these comments. We believe that Atlantic menhaden management must look beyond historical allocation formulas and recognize that this is a shared coastwide resource with coastwide ecological and economic importance.

A more equitable allocation structure would allow the Board to address legitimate concerns regarding Chesapeake Bay while ensuring that other fishing communities are not unnecessarily deprived of access to a resource that occurs throughout the Atlantic coast.

The Massachusetts Lobstermen's Association respectfully urges the Board to move forward with a comprehensive review of the current allocation structure and to consider redistribution of a portion of the existing allocation to other states as part of that process.

Respectfully submitted,

*Beth Casoni*

Executive Director