



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

**TO:** Atlantic Menhaden Management Board  
**FROM:** Atlantic Menhaden Plan Development Team  
**DATE:** April 19, 2022  
**SUBJECT:** Recommendations on Draft Addendum I to Amendment 3

At the 2022 Winter Meeting, the Atlantic Menhaden Management Board provided guidance to the Plan Development Team (PDT) in further developing draft Addendum I to Amendment 3. The addendum considers changes to commercial allocations, the episodic event set aside (EESA) program, and the incidental catch and small-scale fisheries (IC/SSF) provision. This memo summarizes the PDT recommendations for the Board's consideration in approving the document for public comment.

Each section below includes justification for modifying and/or eliminating specific options. A decision tree for selecting state allocations is included in the Appendix. The topics are interconnected such that decisions made for one topic will impact alternatives under other topics. Because of this interconnectedness, the Board should carefully consider removal of some options to reduce complexity of the document. This will allow the public to effectively provide feedback to the Board before final action. Currently there are 48 total options in the Draft Addendum (27 combinations of allocation options; 5 options for the EESA program; and 16 options for the IC/SSF provision). **The PDT is very concerned with the number of options in the document, particularly under allocation and the IC/SSF sections, having 27 allocation options will make it very difficult for the public to discern the differences in the allocation approaches and provide comment on the options. In addition, such a large number of allocations options will be challenging to present to the public in a two hour public hearing, particularly to clearly demonstrate the differences between the options.**

### **2020 Commercial Landings Adjustments**

In March, additional information was brought to the PDT regarding whether 2020 landings were representative due to the impacts of COVID-19, specifically the PDT heard a proposal from the State of Virginia to allow for adjusted 2020 landings data to account for fishing days lost to the COVID-19 pandemic. The PDT was concerned all states' fisheries may have been impacted by COVID-19, the extent of which is unknown and possibly variable; therefore, if the Board was going to allow for adjusted data, then all states should have the opportunity to bring forward proposals.

The Virginia proposal presented the PDT with evidence that 2020 landings are atypical of the recent time series. Not all states experienced impacts to their fisheries in 2020, and the impacts were disproportional across states. The PDT notes that addressing this issue could set a precedent for using 2020 data for allocation as well as set a precedent for not using it. The Menhaden Board may consider recommending the ISFMP Policy Board consider the utility of 2020 data in management decisions. The Policy Board could consider an overarching policy for this issue, although such a policy may be difficult due to the differing degree of data collected for each species' harvest.

The PDT developed the following four options to be considered by the Board, along with their potential impacts on the timeline of approval for Draft Addendum I, so the PDT can make the necessary changes to the Draft Addendum and all allocation options. **Of the options below, the PDT prefers option 4.** Table 1 provides information on the positive and negative impacts of the four options.

1. Status Quo: Continue to use data through 2020 and not allow for any changes to previously validated data. This would have no impact on the draft Addendum's timeline and implementation for 2023. Based on discussions with the PDT members who reviewed their states' 2020 data, the PDT has determined it is an abnormal year for more than one state.
2. Allow for adjustments to the 2020 data. All states would have the opportunity to present proposals for adjustments to their 2020 landings due to impacts from COVID-19. This would delay the Addendum process and could impact the ability to implement by 2023. The PDT is concerned about the precedent this would set for other species and that the process to develop standards to review proposals and the time to draft and review proposals would be a complicated and time-consuming process.
3. Remove 2020 data from the time series. Because there are concerns 2020 data was impacted by COVID-19, it could be dropped from the time series the Board is using to set menhaden allocations. This could delay the draft Addendum by one meeting cycle but the PDT does not anticipate this would delay implementation in 2023. Final action could be taken on the document at the Commission's Annual meeting. By removing 2020 data, the PDT is concerned the data time series will not reflect recent fishing activity. The most recent year would be 2019, which would be impacting management in 2023.
4. Remove 2020 data and add 2021 to the time series. This could delay the draft Addendum by one meeting cycle but the PDT does not anticipate it would delay implementation in 2023. By adding 2021 to the time series, it would alleviate the concerns the PDT has with only dropping 2020 data by allowing an additional year of data in the analysis that better reflects current fishing activity. This option is the preferred option of the PDT.

Table 1. Description of impacts of the four landing adjustment options

| Option                                 | Pros   | Cons  | Timeline impact  | Other Considerations  |
|--|--|---|--|---|
| Option 1:<br>Status quo                | Continuous time series   | COVID-19 impacts to landings and effort   | None: Data have been validated   |   |
| Option 2:<br>Allow for changes to 2020 | Could allow for adjustments to address COVID-19 impacts  | Potential for a difficult process; A consistent process must be developed for submission, review and approval; Could be difficult to justify adjustments due to data limitations; Significant administrative burden for analysis and review       | Significant Delay: Will not be able to implement in 2023   | What body will determine if a rationale is a justified reason for change; In the end, changes may not accurately reflect the impact of COVID-19 because the availability of fish, as a moving target, makes this very difficult |
| Option 3:<br>Drop 2020 data            | Removes the uncertainty of COVID-19 impacted data; The data through 2019 has been validated  | Not reflective of the most current data for changes in availability and effort that have occurred with newly available fish; Ending in 2019 does not address the goal of the addendum to reflect the current distribution of fish and the fishery | Delay of 1 Board meeting cycle to allow the PDT to make changes to the draft addendum; data has been validated; Implementation in 2023 possible            |   |
| Option 4:<br>Drop 2020 & add 2021      | More reflective of the most current data for changes in availability and effort that have occurred with newly available fish; Minimizes the COVID-19 impacts to the time series; Prevents the need for a cumbersome process of state-by-state 2020 landing adjustments |   | Delay of 1 Board meeting cycle to allow 2021 data to be validated and allow the PDT to make changes to the draft addendum; Implementation in 2023 possible |   |

## **Commercial Allocations**

### *3.1.1 Fixed Minimum Allocations*

**Options B. and C. Two- and Three-tiered Fixed Minimum:** The tiered fixed minimum approaches were originally drafted to provide the Board with alternatives that reduced the amount of TAC that was reserved for minimum allocations, while still allowing for states to acquire the necessary allocation through whichever time series would be chosen in 3.1.2. After the Board reassigned states to different tiers in the three-tiered option in February, the difference between the sum of minimums between Options B and C is now 0.02%, essentially creating no distinguishable difference between the two options. In addition, the PDT notes in altering the three-tier option the Board moved a few states from the lowest tier (0.01%) to the middle tier (0.25%), but those same states remain in the lowest tier (0.01%) in the two-tiered option. These states were placed in the lowest tier (0.01%) in both options because the PDT determined these minimums, combined with IC/SSF options in the addendum, would be sufficient to cover the minimal amount of landings these states have landed over the past 12 years. Therefore the PDT supports the original configuration of the options. **The PDT recommends either restoring the original draft of the options or removing one of the new fixed minimum approaches approved in February (option 3.1.1 B or C).** The PDT is concerned the Board has misunderstood the overall outcome of the fixed minimum approach. Under the original options there would be very few instances of lower tiered states exceeding their allocations at the end of the allocation process. However, those states that come up short (very minimal) would be “made whole” under the additional provisions (IC/SSF). The states that come up short do not have high volume landings thus would be able to land using IC/SSF, even if the IC/SSF were restricted (by gear type) through this addendum.

### *3.1.2 Timeframe for Allocating Remaining Available TAC*

**Option 4. Moving Average:** In response to Board concerns about the types of landings that can affect the moving average (i.e. episodic and IC/SSF), the PDT split Option 4 into three sub-options, 4A-C. The PDT has drafted two new options based on Board feedback.

Option 4A represents the original moving average method that includes all catch types, including EESA and IC/SSF landings, to most accurately reflect the distribution of the stock and effort. **The PDT continues to support the retention of this option as it is the most responsive to the current fishery, but if the TAC is exceeded it could impact states that use their full quota.**

Option 4B only uses landings under or equal to the TAC in the moving average calculation. This option recognizes the importance of IC/SSF and EESA landings in a state’s total landings when there is “extra” fish available, such as when a state does not achieve its allocation due to low availability or low market demands. However, it does not reward states for activities that could

lead to overfishing (exceeding the TAC) and/or damage existing markets in other states (shifting quota from states that fully utilize their allocation). Proportional allocation of IC/SSF and EESA landings among participating states eliminates concerns about differences in timing/availability of when “extra” fish might be available to those states (e.g. as compared to “first come, first served”). **The PDT supports the retention of this option as it adds protections for states that fully utilize their fishery, but it is not as representative of the current fishery as Option 4A.**

Option 4C would eliminate EESA and IC/SSF landings from the calculation of the moving average, thereby limiting the average to landings acquired under a state’s annual allocation or through an official quota transfer. As written, this option no longer achieves the purpose of the moving average by inaccurately representing a state’s landings. Using such a limited amount of data in the calculation would not allow for movement of quota in a meaningful way and would not meet the goal and objective of the addendum. In addition, the PDT sees the three year timeframe of the average as sufficient in eliminating the outsized influence of a single year and preventing a race to fish. **The PDT recommends keeping the original version of this option and removing option 4C.**

### *3.1.2 Timeframe for Allocating Remaining Available TAC*

Option 3B. Weighted Allocation Timeframe #2 (2009-2012 and 2017-2020): **The PDT recommends removal of timeframe #2.** The Board requested two versions of the weighted allocation timeframe be developed in October 2021. While the state allocations vary slightly between the two versions, they are conceptually the same. By having two options, it increases the possible state allocation options by four options for a total of 27 options. **The PDT reiterates its recommendation that Timeframe #2 be removed because the same objective is achieved with Timeframe #1, which utilizes the original time series plus the most recent three years.**

## **Episodic Event Set Aside Program**

### *3.2.1 Increase the Set-Aside*

Option 2. Increase up to 5%: For clarity, options related to the timing of establishing the Set-Aside have become sub-options under this option only. These sub-options would allow the Board to decide how the set aside could be adjusted, either as a static value during final action of Addendum I, or dynamically during specification proceedings.

### *3.3.5 Allow access to EESA at <100% state allocation*

This topic is included in the Addendum in the Incidental Catch and Small-Scale Fisheries section due to the decision making process for addressing small-scale purse seines. This option can only

be pursued in the current version of the addendum if either Option 2 (no purse seines) or 3 (non-directed gears only) are chosen under Permitted Gear Types, or if option 4 (elimination of the IC/SSF provision) is selected under Timing of IC/SSF provision.

The PDT notes allowing states to participate in EESA when they have five percent of their allocation remaining may lead to fairness/equity concerns as five percent of one state's allocation may be significantly different than that of another state. Timing and availability of fish among the northern states could exacerbate this issue with one state having access to EESA while still having quota remaining, while another state has not yet had the fish migrate into their state waters and thus has not yet had the opportunity to harvest their quota and opt into EESA. Additionally, several other options in this management document, including revised commercial allocations and increasing the percentage allocated to the EESA, could alleviate the need for this option. **The PDT recommends this option be removed.**

### **Incidental Catch and Small-Scale Fisheries Provisions**

#### *3.3.4 Catch Accounting of the IC/SSF Provision*

**The PDT recommends all options under section 3.3.4 IC/SSF be removed due to the complexity of catch accounting based on preliminary landings and the timing of when accountability would be implemented.** Options 2-4 would need to operate under a considerable time lag as landings are not finalized until the fall of the following year. Under Option 2, the Board will be unable to make timely decisions and take action until two years after the management trigger is tripped (e.g., if landings have exceeded the cap more than 10% in 2022, the Board would take action in 2023, and implementation would occur for the 2024 fishing season). Under Options 3 and 4, the proposed adjustments to the TAC or set-aside would similarly not be addressed until two years after an overage occurred (e.g., an overage in 2022 would be applied in 2024). Additionally, Option 3 could result in more latent quota if the set-aside is not fully used. The Board has indicated that latent quota is an issue that should be addressed through this addendum and this option may exacerbate that issue. Finally, both Options 3 and 4 could result in overages caused by a minority of states that impact many states. If there is an overage by one or a few states in one year, it would reduce the available set-aside (Option 3) that all states could access, or potentially reduce all states quotas (Option 4). Additionally, these options could therefore potentially result in a constant overage/payback cycle, creating a new management problem. **As a whole, the PDT believes these options are not effective or efficient, and the goal of the catch accounting approach can be achieved through a combination of the reallocation alternatives and IC/SSF sub-topics (gear restrictions and trip limit). Even after editing the options in this topic based on Board direction from February, the PDT's concerns still remain and they urge the Board to remove this section entirely.**

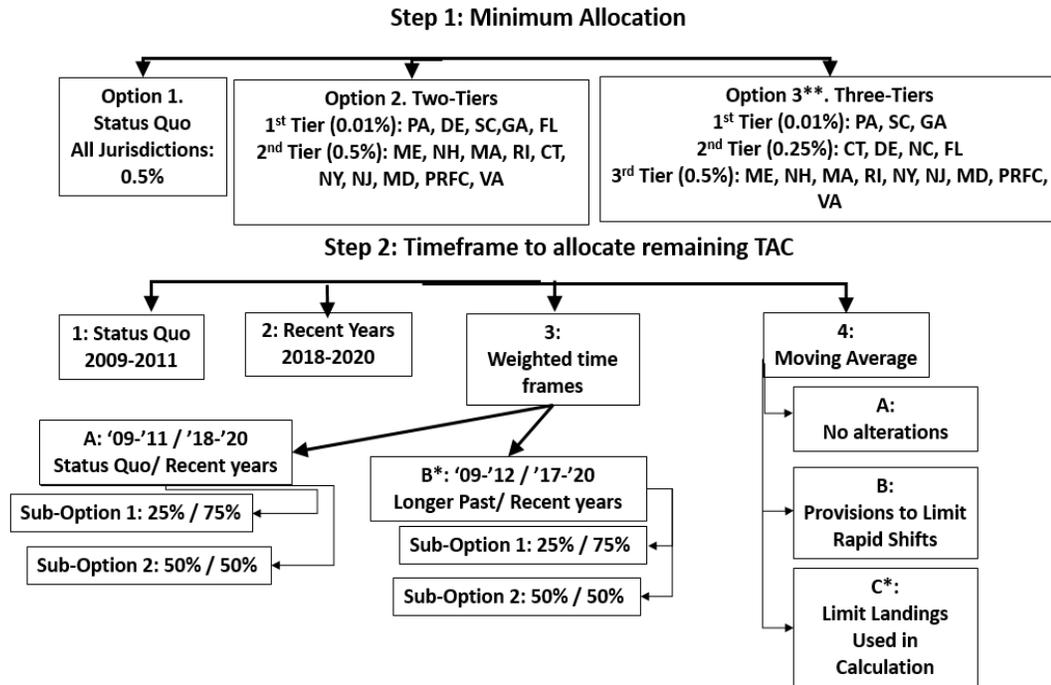
## Appendix A. Decision Tree

The following provides a Decision Tree for selecting state allocations.

\*The PDT recommends removing these options

\*\*The PDT recommends either restoring the original version of this option or removing it.

### Allocation Decision Tree



**From:** [Toni Kerns](#)  
**To:** [Tina Berger](#)  
**Subject:** FW: [External] UPDATE TO PUBLIC COMMENT OF PHIL ZALESK REGARDING DRAFT AMENDMENT 7 STRIPED BASS FISHERY MANAGEMENT PLAN  
**Date:** Tuesday, April 26, 2022 2:25:25 PM  
**Attachments:** [image001.png](#)

**From:** Phil Zalesak [mailto:flypax@md.metrocast.net]

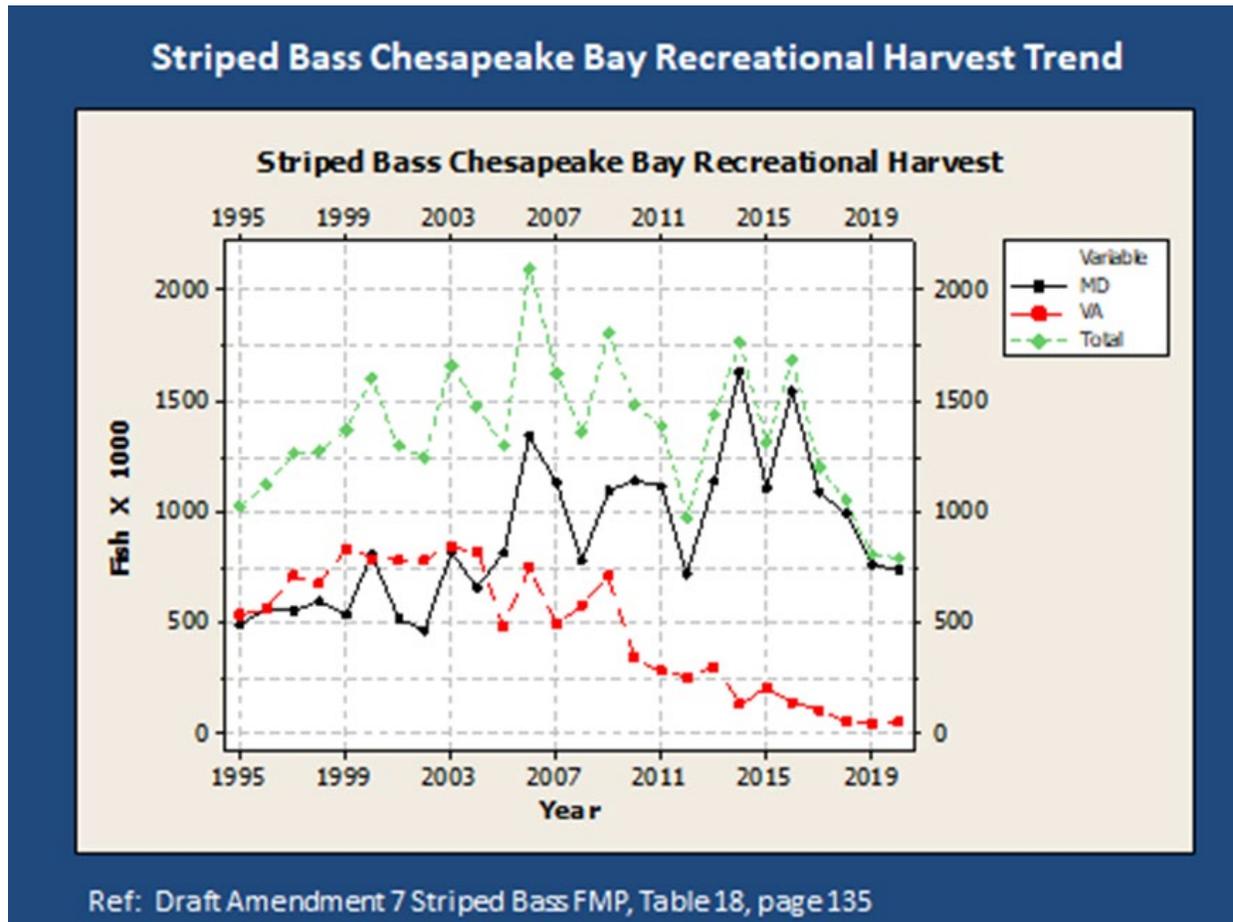
**Sent:** Monday, March 28, 2022 11:52 AM

**To:** Comments <comments@asmfc.org>

**Cc:** MICHAEL LUISI <michael.luisi@maryland.gov>; Colin Sweetin -GOVOffice- <colin.sweetin1@maryland.gov>; Edward Burchell <edward.burchell1@maryland.gov>; Bert Olmstead <boatman5@ymail.com>; Allen Seigel <buddyscrn@gmail.com>; Chris Linnetty <retriever@myactv.net>; Jim Cappetta <osea@comcast.net>; Kevin McMenamin <Kevin\_mcmenamin@keysight.com>; Mark Kurth <rainoutroofing53@gmail.com>; Robert Fair <bfair@comcast.net>; Ron Smith <smitty3894@aol.com>; Skip Zinck <Skipzinck@comcast.net>; Stanley Cebula <stanleycebula@gmail.com>; Tom Wilkinson <Thwilkinson@comcast.net>; Mel Bell <bellm@dnr.sc.gov>; Robert Beal <Rbeal@asmfc.org>; Toni Kerns <Tkerns@asmfc.org>; Senator Jack Bailey <Jack.Bailey@senate.state.md.us>; Brian Crosby <brian.crosby@house.state.md.us>; wsmckeeper@gmail.com; steveatkinson52@verizon.net; dunnsville@gmail.com; Capt Chris Dollar <cdollar@cdollaroutdoors.com>; Jamie.RileyKolsky@washpost.com; jeannie.riccio@maryland.gov; Lenny@fishtalkmag.com; MICHAEL ACADEMIA <macademia@email.wm.edu>; noahbressman@gmail.com; DAVID SECOR <secor@umces.edu>; bdwatt@wm.edu; capletts@capgaznews.com; mpluta@shorerivers.org; josh.tulkin@mdsierra.org; PHILIP ZALESK <flypax@md.metrocast.net>  
**Subject:** [External] UPDATE TO PUBLIC COMMENT OF PHIL ZALESK REGARDING DRAFT AMENDMENT 7 STRIPED BASS FISHERY MANAGEMENT PLAN

Atlantic States Marine Fisheries Commission Staff,

Maryland's official state fish is in poor condition. The **total recreational harvest of striped bass in the Chesapeake Bay has declined by 62% from 2006 to 2020 from 2,094,900 fish to 787,000 fish** (green line). This is due in part to overharvesting a critical forage fish, Atlantic menhaden, in Virginia waters by the last remaining industrial reduction fishery on the Atlantic Coast. Striped bass rely on Atlantic menhaden for their survival.



The Atlantic Menhaden Management Board has a special responsibility to protect predator fish such as striped bass, bluefish, and

weakfish which are dependent on Atlantic menhaden as forage fish for their survival.

The science supporting this position is in the Ecological Reference Points Stock Assessment Report dated January 2020 on page iii of [http://www.asmfc.org/uploads/file/5e4c4064AtlMenhadenERPAssmt\\_PeerReviewReports.pdf](http://www.asmfc.org/uploads/file/5e4c4064AtlMenhadenERPAssmt_PeerReviewReports.pdf)

Here's a direct quote from an ASMFC press release of October 20, 2020:

**“The 2021-2022 TAC was set based on the ecological reference points (ERPs) approved by the Board in August, and reaffirms the Board’s commitment to manage the fishery in a way that accounts for the species role as a forage fish.”**

Currently the DRAFT Amendment 7 for Striped Bass fishery management plan is out for Public Comment; however, there is nothing in this document which reflects this commitment to protecting the survival of striped bass. Here's a direct quote from page 7 from that document:

**“These ERPs allow ASMFC to take into account menhaden’s role as a forage fish, especially its importance to striped bass, when setting harvest limits for menhaden. However, the biological reference points for striped bass are still set using single-species modeling. ASMFC is working on refining the ERP model and improving the understanding of the role of striped bass in the ecosystem beyond the relationship with menhaden.”**

The Atlantic Menhaden Management Board needs to **assess** prohibiting the commercial reduction fishing of Atlantic menhaden in the Virginia waters as soon as possible. The assessment needs to be **completed by July 15, 2022** to allow lead time for implementation in 2023 should that be necessary.

I respectfully request that you put this on the agenda for the upcoming May meeting.

Further, I request that I be given 10 minutes to address this issue at the May meeting.

Why an assessment?

There is no science which supports removing over 51,000 metric tons of Atlantic menhaden from the Virginia portion of the Chesapeake Bay . . . [http://www.asmfc.org/uploads/file//5a4c02e1AtlanticMenhadenAmendment3\\_Nov2017.pdf](http://www.asmfc.org/uploads/file//5a4c02e1AtlanticMenhadenAmendment3_Nov2017.pdf), page v. This quota represents over 26% of the total allowable catch for the entire Atlantic Coast of 194,000 metric tons . . . <http://www.asmfc.org/uploads/file/5f8f5e30pr23AtlMenhaden2021-2022TAC.pdf>

If you have any questions, please contact me at your earliest convenience.

Thank you for your time and consideration.

Phil Zalesak (240-538-3626)  
President  
Southern Maryland Recreational Fishing Organization  
[www.smrfo.org](http://www.smrfo.org)  
<https://www.facebook.com/groups/598428253621775/>

**From:** [Tom Lilly](#)  
**To:** [Tina Berger](#); [Toni Kerns](#)  
**Subject:** [External] Fwd: Material for menhaden board et al  
**Date:** Tuesday, April 26, 2022 4:19:37 PM  
**Attachments:** [Caucus- Noah B..pdf](#)  
[Sierra-Shore Rivers.pdf](#)  
[Fish in net February.pdf](#)

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Tina and Toni this is to correct the www entries please use this one  
Tom Thanks

please distribute this to the menhaden board, the menhaden PDT, the Policy Board and the CESS

Charter Section Six and Amendment 3 sect. 2.3 make it mandatory to use biological, economic and social information in preparing the addendum to be discussed May 3rd but the PDT is only using historic landings.

Preventing Omega from removing 51,000 tons of menhaden forage from the bay would increase Maryland fish and wildlife's health and abundance (n.1) and that would directly increase the amount of time Marylander's spend outdoors fishing and "ecotourism" This increased time outdoors has a proven positive impact on health and quality of life.(n.2) and in particular the mental health and character development of children. (see below)

This waste of all that menhaden can be largely prevented by requiring that fishing be in the US Atlantic zone....that is the management action every state but Virginia has taken and the one recommended by your own consultant thirteen years ago (n.3) That is the action that over a million Marylanders in the MD State Senate process on Resolution R06 have asked you to consider and decide on.(n.4) This Resolution was endorsed by the 70,000 member Maryland Sierra Club (n.5) charter captains, fishery and osprey scientists , the leadership of state wide fishing clubs and the Maryland Senators and Delegates in the Legislative Sportsmen's Caucus that represent over a million Marylanders.

Dr Sabrina Lovell of NOAA fisheries, a member of the CESS was the lead for a survey by NOAA that found Marylanders spent over eleven million days salt water fishing (2017)... for hire days fished was 211,000, private boat 3,414,000, shore 7,717,000 total 11,342,000 days. The Omega boats fish about 200 days a year but they disrupt the 11 million days Marylanders fish a year. This one company impacts 800 bay marinas, 2,000 Maryland charter and food fishermen, 10,000 plus businesses and jobs and the enjoyment of the bay by millions of Marylanders. They disrupt

the ospreys, eagles and great blue herons, the whales and porpoises. About everything that swims in the bay or flies over it is disrupted. It can be summed up in one photograph. see scan fish in net.

Osprey researcher Michael Academia from William and Mary College estimates there are 5,000 pairs of nesting ospreys on Chesapeake Bay. They are not shy of nesting very close to human activity. It is estimated that there are about thirty million encounters people have with bay nesting ospreys a year. They can observe and enjoy these ubiquitous birds soaring, hunting and feeding their young. This builds curiosity, stewardship and appreciation of nature. That is being disrupted.

The available scientific opinion is that the nesting ospreys ( science's most reliable indicator of menhaden depletion) (n.6) and the striped bass spawning stock (n.7) are failing in producing enough young to sustain their iconic role in Chesapeake bay and that this failure is caused in large part by menhaden depletion (n.8) which in turn has a direct effect on their abundance. This, in turn, has a direct effect on the quality of life of Marylanders. Physical health benefits for adults yes (n.6), but much more important even brief exposure of children and adolescents to fishing skills by the family or at fish camps can begin to "develop decision making skills, promote activity, calmness and cooperation.. increase self-esteem and reduce negative behavior." (p 31)

[www.parks.ca.gov/pages/795/files/benefits%20final%20online%20v6-1-05pdk](http://www.parks.ca.gov/pages/795/files/benefits%20final%20online%20v6-1-05pdk) . Fishing and Adolescents? see (n.9.)

We, respectfully, suggest this board and the Policy Board should think long and hard before continuing the level of factory fishing in Virginia and Chesapeake Bay. Just moving the fishing offshore would have no impact on Omega employment but it would positively affect the ecology of the bay and Atlantic and the social and economic life of Marylanders...The extent and nature of those benefits is what this board and the PRT need to determine and value in this process. Thank you  
Tom Lilly [menhadenproject.org](http://menhadenproject.org) Whitehaven MD (1.)

(n.1) MD DNR comment page 41 R06 testimony included in our first submission'

(n.2) California article cited 6 lines above.

(n.3) Page 3 Beal letter to Ross text at page 5-12 [menhadenproject.org](http://menhadenproject.org)

(n.4) R06 text, testimony and endorsements are in our first submittal for the meeting

(n.5) Sierra endorsement above scan

- (n.6) Dr Bryan Watts mail to VA Gov Northam  
page 17 menhadenproject.org
- (n.7) MD YOY results..3 years historic lows  
page 13 R06 testimony and
- (n.8) CBF press release pp15-16 menhadenproject.org  
menhaden in striped bass diet declined from  
70% to 8%- fish malnourished
- (n.9) Dr Bryan Watts mail to Va Gov Northam  
page 17 menhadenproject.org
- (n.10) Google "Benefits of Recreational Fishing in  
Adolescents or [www.researchgate.net/publication/301625620](http://www.researchgate.net/publication/301625620).  
also Google "Identifying the Health and Well Being  
Benefits of Recreational Fishing" , McManus etc  
[https://www.researchgate.net/publication/323511734\\_](https://www.researchgate.net/publication/323511734_identifying_the_health_and_well-being_benefits_of_recreational_fishing)  
[identifying\\_the\\_health\\_and\\_well-being\\_benefits\\_of](https://www.researchgate.net/publication/323511734_identifying_the_health_and_well-being_benefits_of_recreational_fishing)  
[\\_recreational\\_fishing](https://www.researchgate.net/publication/323511734_identifying_the_health_and_well-being_benefits_of_recreational_fishing)

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Senate Chair  
**JACK BAILEY**  
*Legislative District 29*  
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*Legislative District 9*



House Chair  
**NED CAREY**  
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House Co-Chair  
**WENDEL BEITZEL**  
*Legislative District 1A*

## The Maryland Legislative Sportsmen's Caucus

*The Sportsmen's Best Friend in Annapolis*

October 21, 2021

Steven G. Bowman  
VMRC Chairman  
Building 96, 380 Fenwick Road  
Ft. Monroe, Virginia 23651

**RE: "The Most Important Fish in the Sea" – IMMEDIATE ACTION**

Mr. Bowman:

Each year the number of menhaden surviving the Virginia netting gauntlet to successfully reach Maryland's portion of the Chesapeake Bay is declining. This scientifically documented fact is detrimental to both avian and marine species dependent upon the "Most Important Fish in the Sea". This must change.

On October 15, 2021, a fishery biology professor from Salisbury University (Dr. Noah Bressman, PhD) formally addressed the dire menhaden issue in a statement to Maryland's DNR Secretary, et al. For the record, the Maryland's Legislative Sportsmen's Caucus within the Maryland General Assembly fully supports the position taken by Dr. Bressman and urges time-sensitive compliance by the Virginia Marine Resources Commission.

Here's what Dr. Bressman stated:

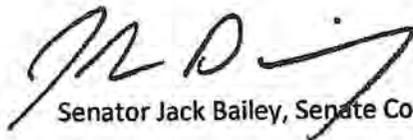
"Currently, the Virginia-based menhaden fishery is overfishing the stock of Atlantic Menhaden in and around the Chesapeake Bay, which is preventing this important forage fish from making its way into the bay and its tributaries. As an important prey item for many important species in the bay, such as Striped Bass and Osprey, the disappearance of most of the menhaden from the bay is contributing to the disappearance of many species that rely on menhaden.

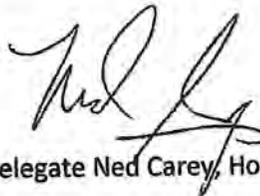
Virginia has been allotted about 75% of the entire Atlantic Coast's quota, which is a drastically disproportionate amount relative to its coastline. Additionally, much of their harvesting occurs as menhaden migrate into the bay, where they enter Maryland's waters. What this essentially means is 75% of the quota for the entire Atlantic Coast is being taken in the bay or just before they enter the bay. While this may not be causing overfishing for the entire Atlantic Coast based on quotas, because all of these fish are being taken from essentially just the bay, it is having locally drastic effects on the ecosystem.

Therefore, I strongly suggest either delaying the start of the menhaden commercial season until after a significant amount of menhaden have migrated north along the Virginia coast into the Chesapeake bay (which occurs in spring/early summer), by pushing these factory fishing efforts at least 3 miles offshore into federal waters instead of along the coastline in state waters (as the fish in the state waters are most likely to migrate along the coast into the bay), pushing the commercial menhaden fishery north of the entrance to the Chesapeake bay during their migration, and/or significantly reducing the quotas of menhaden in and around the mouth of the Chesapeake bay.

These actions are necessary to ensure the long-term health of the Chesapeake Bay ecosystem and the associated fisheries and ecotourism."

What is happening to the "Most Important Fish in the Sea" is intolerable. VMRC must stand up and do what's right.

  
Senator Jack Bailey, Senate Co-Chair

  
Delegate Ned Carey, House Co-Chair



Cc:

Members, Virginia Marine Resources Commission  
Dr. Noah Bressman, Salisbury University  
Senator Emmett Hanger, Senate Co-Chair, Virginia Legislative Sportsmen's Caucus  
Delegate James Easily Edmunds II, House Co-Chair, Virginia Legislative Sportsmen's Caucus  
Jeff Crane, President, Congressional Sportsmen's Foundation  
The Honorable Ann Jennings, Virginia Secretary of Natural Resources  
The Honorable Jeannie H. Riccio, Maryland Secretary of Natural Resources

From: Noah Bressman noahbressman@gmail.com  
Subject: Support for Action on Menhaden  
Date: Oct 15, 2021 at 10:36:49 AM  
To: jeannie.riccio@maryland.gov, bill.anderson@maryland.gov,  
lynn.fegley@maryland.gov  
Bcc: foragematters@aol.com

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Dear Secretary Riccio and DNR Menhaden Delegates,

As a Fish Biology Professor at Salisbury University with multiple collaborations with the MD DNR, former nominee to the Mid-Atlantic Fisheries Management Council, an avid angler, science communicator, and concerned citizen of Maryland, I write to offer my support for action on menhaden in and around the Chesapeake Bay. Currently, the Virginia-based menhaden fishery is overfishing the stock of Atlantic Menhaden in and around the Chesapeake Bay, which is preventing this important forage fish from making its way into the bay and its tributaries. As an important prey item for many important species in the bay, such as Striped Bass and Osprey, the disappearance of most of the menhaden from the bay is contributing to the disappearance of the many species that rely on menhaden.

Currently, Virginia has been allotted about 75% of the entire Atlantic Coast's quota, which is a drastically disproportionate amount relative to its coastline. Additionally, much of their harvesting occurs as menhaden migrate into the bay, where they enter Maryland's waters. What this essentially means is 75% of the quota for the entire Atlantic coast is being taken in the bay or just before they enter the bay. While this may not be causing overfishing for the entire Atlantic coast based on quotas, because all of these fish are being taken from essentially just the bay, it is having locally drastic effects on the ecosystem.

Therefore, I strongly suggest either delaying the start of the menhaden commercial season until after a significant amount of menhaden have migrated north along the Virginia coast into the Chesapeake bay (which occurs in spring/early summer), pushing these factory fishing efforts at least 3 miles offshore into federal waters instead of along the coastline in state waters (as the fish in the state waters are most likely to migrate along the coast into the bay), pushing the commercial menhaden fishery north of the entrance to the Chesapeake bay during their migration, and/or significantly reducing to quotas of menhaden in and around the mouth for the Chesapeake Bay. These actions are necessary to ensure the long-term health of the Chesapeake Bay ecosystem and the associated fisheries and ecotourism.

Sincerely,

Dr. Noah Bressman, PhD  
Assistant Professor of Physiology  
Salisbury University

Dr. Noah Bressman, PhD  
Assistant Professor of Physiology  
Salisbury University  
Fish Biology, Biomechanics, Functional Morphology, and Behavior  
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He/him/his

Begin forwarded message:

**From:** Noah Bressman <noahbressman@gmail.com>  
**Date:** October 18, 2021 at 9:54:57 AM EDT  
**To:** Tina Berger <tberger@asmfc.org>  
**Subject:** Re: FW: Final Supplemental Materials for ASMFC 2021 Fall Meeting

Thanks, Tina! I want to clarify that the most important thing I recommend is that the board take action now to evaluate the options to increase menhaden in Chesapeake Bay. If action was started at Tuesday's board meeting, some or all of the measures could be in effect for the 2022 season. This can be accomplished using qualitative management methods, such as seasonal and area closures without additional research. It can also be accomplished by moving the fishing into the US federal zone as every state except Virginia has seen the necessity for doing. While I am always in support of more research for any topic (because I am a scientist), waiting for additional research on this issue that is already clear will likely lead to menhaden continuing to plummet in the bay, which will further reduce the capacity for striped bass to recover in the bay, especially after the recent report showing their abysmal recruitment over the last 3 years. A delay in action, such as a several years-long stock and recruitment reassessment of the bay before action, will lead to the problem getting worse before it gets better.

Sincerely,  
Dr. Noah Bressman, PhD  
Assistant Professor of Physiology  
Department of Biology  
Salisbury University

On Fri, Oct 15, 2021 at 2:47 PM Tina Berger <tberger@asmfc.org> wrote:

Dr. Bressman – Thank you for your public comment on Atlantic menhaden management. It was sent to the Atlantic Menhaden Board today for its consideration. – Tina

**Tina Berger**



P.O. Box 278  
Riverdale, MD 20738

**Committee: Education, Health, and Environmental Affairs**

**Testimony on: SJ6 "Atlantic States Marine Fisheries Commission – Atlantic Menhaden – Prohibition on Commercial Reduction Fishing"**

**Position: Support**

**Hearing Date: March 1, 2022**

The Maryland Chapter of the Sierra Club urges a favorable report on SJ6. This resolution asks the Atlantic States Marine Fisheries Commission to exercise its authority regarding the management of the menhaden fishery to consider prohibiting commercial reduction fishing of Atlantic menhaden, including the use of purse seines and spotter planes, in the Chesapeake Bay.

Atlantic menhaden are a keystone species for the Chesapeake Bay. As noted by this resolution, Atlantic menhaden form a critical connection between the bottom and the top of the food chain. Menhaden are filter feeders, eating plankton and rotifers and helping clear the water of nutrient-pollution.<sup>1</sup> They are also a vital source of food to predators, including predatory fish, dolphins, whales, osprey, and bald eagles. While this is incredibly important to the ecosystem of the Bay, it is also important to the fishing industry. Many species of fish that we harvest from the Bay rely on the menhaden as a food source, including rockfish (striped bass), bluefish, and weakfish.

The Chesapeake Bay is an important nursery for the menhaden that helps sustain the population along the entire Atlantic coast. It is deeply concerning that the number of menhaden juveniles have decreased significantly since 1976 and has stayed low in the last 20 years.<sup>2</sup>

In order to protect the natural wonders of the Chesapeake Bay, it is important that action be taken now. We urge the Committee to issue a favorable report.

Marc Imlay  
Endangered Species Workgroup Coordinator  
marc.imlay@mdsierra.org

Josh Tulkin  
Chapter Director  
Josh.Tulkin@MDSierra.org

<sup>1</sup> <https://www.vims.edu/research/units/projects/menhaden/research/modeling.php>

<sup>2</sup> Durrell, E. Q. & Weedon, C. (2019). Striped Bass Seine Survey Juvenile Index Web Page. DNR.Maryland.gov/Fisheries/Pages/Juvenile-Index.ASPX. Maryland Department of Natural Resources, Fisheries Service.

Founded in 1892, the Sierra Club is America's oldest and largest grassroots environmental organization. The Maryland Chapter has over 70,000 members and supporters, and the Sierra Club nationwide has over 800,000 members and nearly four million supporters.



**Testimony in SUPPORT of SJ6 - Atlantic States Marine Fisheries Commission - Atlantic Menhaden - Prohibition on Commercial Reduction Fishing**

March 1, 2022

Dear Chairman Pinsky and Members of the Committee,

Thank you for this opportunity to submit testimony in **SUPPORT of SJ6** on behalf of ShoreRivers. ShoreRivers is a river protection group on Maryland's Eastern Shore with 3,500 members. Our mission is to protect and restore our Eastern Shore waterways through science-based advocacy, restoration, and education.

This bill sets forth a resolution by the Maryland General Assembly asking the Atlantic States Marine Fisheries Commission to take further action to prohibit the commercial reduction fishing of Atlantic Menhaden, including the use of purse seines and spotter planes in the Chesapeake Bay in order to maintain a sustainable fishery. This reduction fishery poses a major threat to many Bay species every year, and when these other fisheries suffer it increases the pressure on other fisheries, including crabs and oysters. Thus, it is of critical importance to protect a foundational species like menhaden as much as possible.

Menhaden are incredibly valuable to the Chesapeake Bay and the many other commercial and recreational fisheries that occur in the rivers of the Eastern Shore. As a vital part of the ecosystem, menhaden filter plankton from the water and help to improve water quality, and they are a necessary food source for other aquatic species like striped bass and bluefish, but also for ospreys and bald eagles. The Department of Natural Resources noted in their 2021 Striped Bass survey that while the striped bass young-of-year showed a slight increase in population from 2020, what was of note was the increased numbers of menhaden in the rivers, notable the Choptank River. When the menhaden population thrives, so do our other fisheries. And when our fisheries are healthy, we know that water quality and habitat are at healthy levels to support those populations, which means that our economies and local communities will see a benefit.

For these reasons stated above, ShoreRivers urges the Committee to adopt a **FAVORABLE** report on SJ6.

Sincerely,

Matt Pluta,  
Choptank Riverkeeper, on behalf of:

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**ShoreRivers**

Isabel Hardesty, Executive Director

Annie Richards, Chester Riverkeeper | Matt Pluta, Choptank Riverkeeper  
Elle Bassett, Miles-Wye Riverkeeper | Zack Kelleher, Sassafras Riverkeeper

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MULTIPLY THIS BY NINE OMEGA PURSE SEINERS WITH TWO FORTY FOOT SET BOATS EACH ,DIRECTED BY SPOTTER PLANES FISHING FIVE DAYS A WEEK FROM MAY TO DECEMBER VIRGINIA

Virginia receives 78.6 of the entire Atlantic coast menhaden catch ( TAC) For 2021-22 the TAC is 194,400 metric tons. VA quota 152,484 mt ,Omega quota 137,000 mt. of which 51,000mt can be caught in Chesapeake bay So, about 5,000 bay sized schools of 10 tons each with about 40-50,000 fish each are removed from the bay food chain every year. Virginia is the only state that allows factory fishing.