

**PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
ATLANTIC MENHADEN MANAGEMENT BOARD**

**The Westin Crystal City  
Arlington, Virginia  
Hybrid Meeting**

**February 1, 2023**

**Approved May 1, 2023**

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2. **Move to approve proceedings of November 9, 2022** by Consent (Page 1).
3. **Move to approve the state implementation plans for Addendum I to Amendment 3** (Page 2). Motion by Lynn Fegley; second by Marty Gary. Motion carried (Page 2).
4. **Move to approve Technical Addendum I to Addendum I and have the measures become effective for the 2023 fishing year** (Page 3). Motion by Kris Kuhn; second by Nichola Meserve. Motion carried (Page 3).
5. **Move to adjourn by consent** (Page 5).

**ATTENDANCE**

**Board Members**

Megan Ware, ME, proxy for Pat Keliher (AA)	John Clark, DE (AA)
Steve Train, ME (GA)	Roy Miller, DE (GA)
Cheri Patterson, NH (AA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Doug Grout, NH (GA)	Lynn Fegley, MD, AA (Acting)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Russell Dize, MD (GA)
Nichola Meserve, MA, proxy for D. McKiernan (AA)	Allison Colden, MD, proxy for Del. Stein (LA)
Raymond Kane, MA (GA)	Pat Geer, VA, proxy for J. Green (AA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Bryan Plumlee, VA (GA)
David Borden, RI (GA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Conor McManus, RI, proxy for J. McNamee (AA)	Jerry Mannen, NC (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Chad Thomas, NC, proxy for Rep. Wray (LA)
Matt Gates, CT, proxy for J. Davis (AA)	Mel Bell, SC (AA)
Rob LaFrance, CT, proxy for B. Hyatt (GA)	Malcolm Rhodes, SC (GA)
Jesse Hornstein, NY, proxy for B. Seggos (AA)	Chris McDonough, SC, proxy for Sen. Cromer (LA)
Emerson Hasbrouck, NY (GA)	Doug Haymans, GA (AA)
Joe Cimino, NJ (AA)	Erika Burgess, FL, proxy for J. McCawley (AA)
Peter Clarke, NJ, proxy for T. Fote (GA)	Gary Jennings, FL (GA)
Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)	Marty Gary, PRFC
Kris Kuhn, PA, proxy for T. Schaeffer (AA)	Max Appelman, NMFS
Loren Lustig, PA (GA)	Rick Jacobson, USFWS

**(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)**

**Ex-Officio Members**

Scott Simmons, Law Enforcement Committee Rep.

**Staff**

Bob Beal  
Toni Kerns

**Madeline Musante  
Tina Berger**

James Boyle  
Chris Jacobs  
Jeff Kipp

**Guests**

Mike Armstrong, MA DMF  
Pat Augustine, Coram, NY  
Rob Beal, ME DMR  
Jessica Best, NYS DEC  
Alan Bianchi, NC DENR  
Ingrid Braun, PRFC  
Jeff Brust, NJ DEP  
Mike Celestino, NJ DEP

Benson Chiles, Chiles Consulting  
Matt Cieri, ME DMR  
Nicholas Coleman, Univ MD  
Margaret Conroy, DE DFW  
Caitlin Craig, NYS DEC  
Jessica Daher, NJ DEP  
Conor Davis, NJ DEP  
Jacob Espittia, FL FWC

**Guests (continued)**

Glen Fernandes  
Jared Flowers, GA DNR  
Tony Friedrich, SGA  
Keilin Gamboa-Salazar, SC DNR  
Shaun Gehan, Gehan Law  
Ben German, NOAA  
Angela Giuliano, MD DNR  
Willy Goldsmith, Gloucester, ME  
Kurt Gottschall, CT DEEP  
Marin Hawk, MSC  
Jay Hermsen, NOAA  
Joclyn Higgins, TRCP  
Emily Hill, US FWS  
Peter Himchak, Cooke Aqua  
Carol Hoffman  
Harry Hornick, MD DNR  
Jeff Kaelin, Lund's Fisheries  
Greg Kenney, NYS DEC  
Ben Landry, Ocean Harvesters  
Thomas Lilly, Forage Matters  
Brooke Lowman, VMRC  
Shanna Madsen, VMRC  
Dan McKiernan, MA (AA)  
Kevin McMenamin, Annapolis, MD  
Meredith Mendelson, ME DMR  
Steve Meyers  
Kyle Miller, FL FWC  
Drew Minkiewicz, Kelly Drye  
Chris Moore, CBF  
Paul Piavis, MD DNR

Jeffrey Pierce, Dresden, ME  
Michael Pierdinock  
Nicole Pitts, NOAA  
Bill Post, SC DNR  
Will Poston, SGA  
Chad Power, NJ DEP  
Sara Rademaker, American Unagi  
Jill Ramsey, VMRC  
Harry Rickabaugh, MD DNR  
Lenny Rudow, Fish Talk Mag  
Amy Schueller, NOAA  
Zachary Schuller, NYS DEC  
Ross Self, SC DNR  
David Sikorski, Baltimore  
Ethan Simpson, VMRC  
Melissa Smith, ME DMR  
Somers Smott, VMRC  
David Stormer, DE DFW  
Troy Tuckey, VIMS  
Beth Versak, MD DNR  
Mike Waine, ASA  
Craig Weedon, MD DNR  
Tim Wildman, CT DEEP  
Kate Wilke, TNC  
Chris Wright, NOAA  
Darrell Young, MSFA  
Phil Zalesak  
Erik Zlokovitz, MD DNR  
**Renee Zobel, NH F&G**

**The Atlantic Menhaden Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, via hybrid meeting, in-person and webinar; Wednesday, February 1, 2023, and was called to order at 11:30 a.m. by Chair Mel Bell.**

#### **CALL TO ORDER**

CHAIR MEL BELL: We're going to go ahead and get started here. Once again, menhaden seems to be standing between me and a meal. We don't have a lot on the agenda, so hopefully this will go fairly quickly. But we do have some business we need to conduct. First item, and this is the Menhaden Board, welcome. I'm Mel Bell, the Chair.

#### **APPROVAL OF AGENDA**

CHAIR BELL: First item is approval of the agenda. Any desired modifications to the agenda? I don't see any hands, so the agenda will stand approved by consensus.

#### **APPROVAL OF PROCEEDINGS**

CHAIR BELL: Next would be approval of the proceedings from the November 9, 2022 meeting. Any edits necessary to the minutes from the last meeting? I don't see any hands; then the proceedings will stand approved by consensus.

That takes us to Public Comment. This will be public comment for items not on the agenda. Are there any individuals in the room here that would like to make public comment? I don't see any hands, don't see anybody running up this way. All right, then we'll move to the web-based comments. Okay, we have Phil Zalesak online. Phil, if you would like to take three minutes to make a comment, we would receive those now. Are you with us Phil?

MS. TONI KERNS: Phil, we can't hear you on our end. You are unmuted, so it seems like it might be your microphone. We still don't hear you, Phil.

CHAIR BELL: In the interest of time, Phil, I know we have your written comments, so in the interest of

time here we're going to go ahead and move along. But, I would point out we do have written comments that have been submitted by Phil.

#### **CONSIDER STATE IMPLEMENTATION PLANS FOR ADDENDUM I TO AMENDMENT 3 TO THE FMP.**

CHAIR BELL: Then, that takes us to the first item that we need to discuss, as far as where we need some Board action. James will brief us on that, and this would be considered a State Implementation Plans for Addendum I to Amendment 3. Go ahead, James.

MR. JAMES BOYLE: I have a very quick summary of the Plan Review Team's comments on the State Implementation Plans. As a quick recap. Addendum I was approved at the annual meeting in November last year. The Board set a deadline for Implementation Plans to be submitted by January 1, when quota allocations also took effect, and then with full implementation of the management measures in the Addendum by May 1 of this year.

#### **PLAN REVIEW TEAM RECOMMENDATIONS**

MR. BOYLE: The PRT met to review the plans and developed just a few recommendations. Overall, the PRT is recommending the approval of all state implementation plans, after finding that they are consistent with the FMP For the May 1st deadline. There were a couple of further recommendations the PRT just wanted to make a quick note of.

In Maryland and Delaware regulatory language did not include a list of permitted gear, just because the gear types are already used within the state, already conform to the incidental catch and small-scales fisheries provision. The PRT was recommending adding language either through the regulatory or public notice process, if that's possible, that lists the permitted gears or defers to the FMP to preclude the remote possibility of new gears being introduced.

Additionally, the plans for Pennsylvania, South Carolina and Georgia are sufficient, while they don't have a directed fishery. But should one develop,

the PRT would recommend they develop new plans similarly to the agreement when Amendment 3 is implemented. That is all I have, are there any questions?

CHAIR BELL: Are there any questions? Yes, John Clark.

MR. JOHN CLARK: Not a question, I just wanted to emphasize again that our gear is listed under state law, that is why they are not in the regulations. We do have a list of permitted gear under our state's code, so I could supply that to the PRT.

CHAIR BELL: All right, thanks, John. Yes, Nichola.

MS. NICHOLA MESERVE: I do have one question about Virginia's proposed regulations, where they are adopting the 75.21 percent allocation. It didn't appear to me that that took into consideration the 1 percent that's coming off the top for episodic event set-aside, nor would it allow you to receive redistributed quota or quota transfers. But perhaps that is elsewhere in your language.

MR. PAT GEER: We've always put our allocation percentage into our regulation. Shanna wrote it, so I would probably ask her to respond to that one.

MS. SHANNA MADSEN: Sorry, tag team in. Yes, the rest of that is actually in our regulations. That section that specifically pertains to allocations, further down also has an option that talks about the 1 percent set-aside for the EESA. Then, what happens when/if that 1 percent is reallocated to the states. All that is already outlined, and I'm happy to provide that language if you want to see it.

MS. MESERVE: No, just thanks for the clarification.

CHAIR BELL: All right, great, any other questions or discussion at this point? Yes, Lynn.

MS. LYNN FEGLEY: Mr. Chair, if you're ready, I would make a motion.

CHAIR BELL: Yes, Ma'am, that would be great.

**MS. FEGLEY: I would move to approve the state implementation plans for Atlantic menhaden, if there is one written throw some addendum number in there somewhere.**

CHAIR BELL: Okay yes, Marty.

MR. MARTIN GARY: Just second.

CHAIR BELL: Okay, got you. Did we have that? Are we going to put it up there? Hang on one sec. Good, moving along. There it is before you. **Let me read it, the motion is to move to approve the state implementation plans for Addendum I to Amendment 3.** The motion was by Ms. Fegley, seconded by Marty Gary.

Yes, Ray, okay. **Any discussion of the motion? Any opposition to the motion? Seeing none; then the motion carries.** Thank you. It carries without opposition. Sorry, just clarification, thank you. We're moving pretty quick. Queue up, next we have another presentation by James.

**CONSIDER APPROVAL OF MENHADEN TECHNICAL ADDENDUM TO ADDENDUM I TO AMENDMENT 3**

MR. BOYLE: I'll get started and jump right in. As I mentioned in the last presentation, at the annual meeting last November, the Board approved Addendum I for Amendment 3, which changed the commercial allocations, including updating the timeframe used to allocate the remaining TAC after the fixed minimums from 2009 to 2011 to 2018, '19, and 2021.

However, Addendum I inadvertently did not include text to amend the time period used to redistribute relinquished quota. Therefore, staff has drafted a Technical Addendum to correct the error, which was supplied in supplemental materials. Specifically, Amendment 3, Section 4.3.2 includes the following quote.

"Any quota that is relinquished by a state will be redistributed to the other jurisdictions, i.e., those which are not relinquished quota, based on landings from 2009 to 2011." Although based on the motion

that was approved to establish the redistribution of relinquished quota at the November 2017 Board meeting, which contained “Any quota that is relinquished by a state is redistributed to the other jurisdictions based on historic landings from the time period selected by the Board in this Amendment.”

It was the Board’s intention for relinquished quota to be redistributed according to the same timeframe as the quota allocation. Therefore, if approved the draft Technical Addendum will replace the third paragraph in Section 3.1.2 in Addendum I, with the paragraph on the slide. The only change to that paragraph is the last sentence, where it states that “Any quota that is relinquished by a state will be redistributed to the other jurisdictions, i.e., those which have not relinquished quota, based on landings from 2018, 2019 and 2021.”

If approved, the Board will need to determine an implementation timeframe, and whether or not to implement for the 2023 or 2024 fishing year. If some states have already finalized their 2023 quota, and do not have the ability to change it, it may not be possible to implement for this year. For 2023, Delaware has relinquished 1 million pounds. This table on the slide show the comparison of how 2023 quota allocations would change from the current redistribution to the new redistribution, if the Board approved the Technical Addendum and implemented it for this year, 2023. With that the Board action to consider today are the approval of the Technical Addendum and the timeline for implementation. I’m happy to take any questions.

CHAIR BELL: All right, so this is a Technical Addendum to deal with, basically an accounting issue that we need to deal with. Questions. You have the, not that long, Addendum I. It’s a Technical Addendum I to Addendum I to the Amendment 3 of the Plan. It’s in your supplemental materials. Questions, discussions. Yes, Kris.

MR. KRIS KUHN: I don’t have a question, necessarily. But to move things along I would be willing to make a motion.

CHAIR BELL: Okay, that would be fine.

**MR. KUHN: I move to approve the Technical Addendum I to Addendum I and have the measures become effective for the 2023 fishing year.**

CHAIR BELL: All right, second by Nichola Meserve. Discussion. Again, specifically for 2023 right here. Okay, so any further discussion, any questions? Everybody understand how this is going to work? You all must be hungry. Okay yes, Toni.

MS. KERNS: Just a quick clarification. All states would be able to accept this change in the quota for this year. That is really the question we are asking.

CHAIR BELL: Yes, will this work for all of you all. I don’t see any problems with that. Okay, so I’ll just read it to the record. Move to approve Technical Addendum I to Addendum I and have the measures become effective for the 2023 fishing year. Motion by Mr. Kuhn, second by Ms. Meserve.

**We’ve had discussion. Any further discussion? Any objection to the motion? I see no hands so the motion is approved by consensus with no objection.** Thank you. You all must be hungry. Those were the two items. Did you want to mention? Go ahead. James has got a reminder here.

MR. BOYLE: Yes, just one quick note. As a reminder to the Board, I sent out recently a memo for nominations to the Stock Assessment Subcommittee for the 2025 Menhaden Benchmark Assessment. Those nominations are due by February 10, and then we’ll get those approvals sorted after that. Thank you.

CHAIR BELL: We’ve got a few minutes, did great. We had a little technical difficulty, perhaps, in the public comment. But now I think we actually have an individual on that will hopefully work. We can now have three minutes of public comment. That’s Tom Lilly. I don’t know if Phil is still with us or not, but if Tom is onboard and would like to comment, three minutes would be okay.



MS. KERNS: Tom, you just need to unmute yourself. Tom Lilly, you are still self-muted, so you just need to press that microphone button to unmute yourself to give your public comment.

CHAIR BELL: Okay, well we do have written comment from Tom and written comment from Phil. It's fairly extensive, so I would encourage you to read that. Sorry for the technical issue there. All right, yes Tom, can you get unmuted?

MS. KERNS: Tom, you click the microphone button to turn it from red to green.

MR. TOM LILLY: Can you hear me?

MS. KERNS: Now I can hear you.

CHAIR BELL: Yes, we've got you.

#### **PUBLIC COMMENT**

MR. LILLY: Good morning, delegates, and thank you for accommodating a brief public comment here. I'm asking you delegates this morning to start a process to consider the ecological, social and economic consequences of moving the purse seine fishing, menhaden purse seine fishing from Virginia waters into the U.S. Atlantic Zone, or leaving it as it is.

Your ERP studies said that when menhaden are overharvested, striped bass suffer the most and first. Isn't it gross overharvesting in Chesapeake Bay occurring when you have the following situation? In Maryland, four straight years of the worst young of the year production in history. In other words, a failure of the striped bass spawning stock.

You're not really going to feel this until, you know a few years to come, when all the older fish are killed off and we don't have anything to replace them. In Virginia, the NOAA data shows the consequences of the overharvesting very clearly. Striped bass charters are down 60 percent. Striped bass trips by anglers are reduced 430,000 trips a year, 430,000

less trips by Virginians alone; families, friends and children.

Almost a half a million in trips lost. Striped bass angler spending is down 150 million dollars a year in Virginia, according to the latest numbers. That is 150 million dollars a year that Virginia small businesses are losing, because of your inaction in not preventing the overharvesting of menhaden. There have been 2,000 jobs lost in just the striped bass fishery alone in Virginia.

I ask you, isn't this the time to start the process to consider the benefits and impacts of moving the purse seine fishing into the U.S. Atlantic? If these figures aren't enough to convince you to do that and to do it now, then I have to ask the rhetorical question. What in the heck are you waiting for? Please take action right now, today, to start this process. There are a million Marylanders and another million Virginians hoping that you do this. Thank you.

CHAIR BELL: All right, thank you, Tom.

MR. LILLY: Yes, thank you for getting me on. Thank you very much.

CHAIR BELL: No problem. Is Phil still with us or not? Okay, so we have nobody else. All right, that concludes the agenda.

#### **OTHER BUSINESS**

##### **REQUEST UPDATE OF ATLANTIC MENHADEN FISHERY ACTIVITIES IN VIRGINIA**

CHAIR BELL: Under Other Business I have just one thought I would like to run by the Board. You know we've heard public comment, we just heard some. We've heard through meeting after meeting, you know kind of about the fishery of Virginia and that sort of thing. I just thought maybe it would be instructive for the Board. A lot of us may not be familiar with what all is going on in Virginia. Virginia has obviously been doing things and having Commission meetings and things.

Maybe for the next meeting, we could ask Pat Geer of Virginia, to maybe at the time just provide us with a little synopsis of what all they've had going on down there with how they've been kind of engaged in the fishery, just from their perspective of what's going on, because I couldn't really tell you exactly what is going on in Virginia.

I think that could be something we just by consensus just ask the staff to work with Virginia, maybe provide us, assuming Virginia is okay with that, just maybe provide us some idea of what all is going on down there, just give us an update. Pat, is that something that might work?

MR. GEER: Yes, we would be glad to do it. I don't think it will be a little synopsis though, it's been very time consuming. But yes, we would be very happy to do it.

CHAIR BELL: Yes, I just think that would be helpful. It would be helpful for me, just to kind of get a picture of everything, and that would be for the next meeting. If you have any objection to that, I don't think there would be. Okay, well can we just ask direction to staff to kind of work with Virginia and receive that. Then it would be ready for the next meeting. Then we can kind of have a snapshot of what is going on in Virginia. Okay, cool.

#### **ADJOURNMENT**

CHAIR BELL: If there are no other items to come before the Menhaden Board, we are wow! We will adjourn the Menhaden Board early.

(Whereupon the meeting adjourned at 11:51 a.m.  
on Wednesday, February 1, 2023)