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**[External] New public comment for 2025 Spring Meeting**

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From ASMFC <info@asmfc.org>

Date Tue 4/15/2025 2:36 PM

To Comments <comments@asmfc.org>

## 2025 Spring Meeting

**Action Title**

2025 Spring Meeting

**Action URL**

<https://asmfc.org/events/2025-spring-meeting/>

**Name**

Dale Neal

**Email**

[dalewilliamneal@gmail.com](mailto:dalewilliamneal@gmail.com)

**State**

Virginia

**Comment**

For the Atlantic Menhaden Management Board, Spring Meeting,

Subject: Possible actions for Chesapeake Bay in response to the workgroup report.

Thank you all for considering the impact of commercial menhaden fishing in Virginia, and for all the hard effort the workgroup has put in.

I ask you to please consider that limited spatial closures will do little or nothing to change the current impact of the reduction fishery on the bay. If the purse-seine fleet is allowed to continue to stalk the bay entrance, and adjacent ocean shoreline, with multiple planes and a fleet of seven plus ships, scooping up every available school, it will not matter if you close a few smaller bays for the season or a certain time period.

The issue is the industry's extremely effective fishing techniques, and their almost exclusive targeting of Virginia waters. They leave very few schools to populate the bay.

Here are just a few options that may make a difference:

1. Create a 3-mile buffer for all Virginia Bay and Ocean Coastlines, prohibiting purse-seine activity

2. or, Close the bay and its opening to purse-seine activity, making it an exclusive bait fishery for other equipment
3. or, Delay the current season for 60-90 days for all purse-seine fishing in Virginia waters.
4. or, No longer allow the use of spotter aircraft to assist the purse-seine fleet.

Again, thank you for listening and putting in the work to solve this issue. Menhaden need to be abundant in the bay for the ecosystem to prosper. They are the key. A real solution will be of benefit to the wildlife in the bay, the ecosystem as a whole, smaller menhaden bait fishermen and their customers, the recreational fishing industry in Virginia, and Virginia's tourism industry.

Sincerely, Dale William Neal

Richmond, VA

Advocate for Menhaden and the Menhaden Bait Industry

[www.saveourmenhaden.org](http://www.saveourmenhaden.org)

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**From:** [Tom Lilly](#)  
**To:** [comments@asmfc.com](mailto:comments@asmfc.com); [James Boyle](#); [Tina Berger](#)  
**Subject:** [External] Material from the menhaden board meeting May 7,2025  
**Date:** Tuesday, April 29, 2025 2:09:21 PM  
**Attachments:** [MRC 3 page charts.pdf](#)  
[Frontiers Path Cover and 12.pdf](#)  
[Saltwater Sportsman Excerpt.pdf](#)  
[George first.pdf](#)

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To James and Tina...Please send this out to the board in the materials this afternoon ( or tomorrow) and if you could just send a reply mail so I know you have it. As usual I hope things are well and thanks.... Tom Lilly 443 235 4465

to the Menhaden Board , John Clark Chairman, James Boyle menhaden coordinator and Marty Garry Chair work group on protective options, and every board member:

I support any option or combination of options that would guarantee that **ALL** of the menhaden migrating to Maryland in the Spring ( May-June) get here and **is then protected.** ( n.1) **Do Marylanders and their bay deserve anything less?** Please do not open the season for any menhaden purse seine fishing in the bay or Atlantic until June 30th. I know of no other option that will help Maryland other than reducing the cap to zero for May and June and applying it to all Virginia waters. You can do that...the cap has been tested by Omega lawyers and they lost. NOAA has decided the cap serves a "conservation purpose" and with the ERP science in place now there is solid science to support it.

Delaying opening the season or reducing the cap to zero in May and June may not help Maryland enough if you also allow the eight purse seiners and bait boats to just sit outside the bay entrance and catch everything coming in. Keep them away from the bay entrance...I know you can devise an option to do that extending the cap into Virginia coastal waters. They routinely fish as far as NY. Let them fish up there in May and June when the menhaden are migrating into the bay. They have all the gear and refrigerated holds to do it.

I don't see much discussion about protecting the spawning stock of menhaden. Looking at the monthly factory catch ( scan one page 2) you see the uptick in catches mid September that is thousands of schools of menhaden headed offshore to age, winter and spawn **but they are caught.**

Also see scan one page one ...last age chart from Beaufort 2017 and 2019) the factory catch averaged 70% age one fish that is **100,000 mt age**

**one and younger fish a year** that are caught before they spawn once. Please pass an option that **protects this Fall run of spawning stock and future spawners** by ending the season in the bay and mid Atlantic ( or within 50 miles of the bay entrance) by September 15. Unless you protect these fish on their way to the spawning grounds I don't see how all these efforts will accomplish very much.

Right now the striped bass YOY in Maryland is one tenth of normal, In the article by Rob Latour and Shanna Madsen and 28 scientists (scan 2) they state based on ERP modeling where there is enough menhaden for striped bass there will be for ospreys as well. Thats what we need to get to. Please take a few more minutes to read the following;

I got into this eight years ago when the five osprey nests on and near my property on the Wicomico River (about 10 miles from Tangier Sound and not far to the Virginia line) were failing and because my two grandsons loved to fish. I learned what was happening in Virginia and tried to take action as you know. I thought the ERP science would change things but it hasn't and now after all this time things have just gotten worse, much worse. For the last two years only three chicks survived out of those five nests and we watched helplessly as this unfolded. I am listening to those ospreys right now as I try to find the words to convince you to care about our bay wildlife, to act to benefit the millions of children and parents that want to enjoy all the wonders of nature Chesapeake Bay should be providing but is not. (n 2) The purse seine owners in Virginia can adjust to any changes ..that is part of what every business does, particularly any weather dependent one such as farming, construction and charter fishing. Are they treated differently? See note 3 for the dollars involved.

Our grandsons still love to fish but the fishing for striped bass is terrible. In those years 19 of the 20 full time charter captains at the state marina in Crisfield have quit and people are going to New Jersey to fish because New Jersey, like New York, has protected their state waters from reduction fishing and have seen the benefits. ( see scans 3 and 4) I am waiting to see how the NJ and NY delegates treat Maryland in this process...

See scan one, page 2, for 50% decline in menhaden coming to the bay over last ten years. The extent of the devastation this has caused our bay ecology and the loss of enjoyment and use of the bay for millions of children and their parents ( note 2 Southwick data), to our charter captains our striped bass and the hurt and sorrow caused to our ospreys , thousands of them, as they have to select which chick lives and which ones die as they

search 15 hours a day for just one menhaden to keep the chicks alive but don't find it. now multiply that by hundreds of failed nests. We have been depressed and frustrated by the lack of action where the evidence is so compelling. Hopefully that is about to change. Will you now delay opening the menhaden season for all Virginia sectors until June 30th and then protecting the forage that is in the bay by ending purse seine fishing in the bay and the VA coast. Right now is your opportunity to restore some equity between Maryland and Virginia as your charter Section six requires:

(7) Fairness and Equity ii. " Fishery resources **shall be fairly and equitably** allocated among the states "

I have asked the policy board and this board to consider a simple question and I am asking you again. Using ten ton menhaden schools you allow the bait and factory ships to catch 5,000 schools of menhaden in the VA bay. About how many of these schools would have migrated into the Maryland bay to feed our fish and wildlife. 50% ? 30%. If 30% then you have allowed over 3,000 ten ton schools of menhaden forage to be caught in Virginia that would have come to Maryland ,

Over the last 20 years the reduction fishing owners have been given about 30 million dollars worth of bay and near bay menhaden a year.. that is 600 million dollars. And I presume the bait boat owners a good fraction of that. Ocean Harvesters has refrigeration for those days they spend fishing off New York. The bait boat owners can install refrigeration as well. I find it interesting that the "dangers" of fishing in the Atlantic within ten miles of shore in 300 foot ships with 40 foot set boats is mentioned in your summary. For a hundred years cod fishermen have traveled 800 miles to fish the Grand Banks in small boats in some of the worst sea conditions in the Atlantic. The mid Atlantic coastal area in the 8-10 mile out area they operate is very calm by comparison and the ships can return to port very easily. I don't really think some added expenses for some ship wealthy ship owners should influence you decision at all. If there are days that are too rough in the Ocean that is part of any business that depends on the weather from farming to construction to charter fishing why should the purse seiners be any different. Why are they so "privileged"

As we have said you can accomplish most of this by placing a zero bay cap on for May to June and apply it to the Virginia coastal zone as well. You can prohibit purse seining on the Atlantic coast of Virginia in May and June at a minimum. A zero bay cap for May and June will not help anything if all the bait and reduction ships have to do is sit just outside the bay's entrance

and catch every school before it enters the bay.

The present bay cap of 51,000 mt is completely useless in protecting the bay as you know. It operates far too late in the season (last year they never reached the cap) Reducing the cap to even 10 or 20,000mt will not prevent the factory from catching every school migrating into the bay during May and June which is the critical period for our wildlife. Reducing the cap to zero for the bay or even zero for May and June would be a step in the right direction.

Thank you for taking the time to read this...we are hopeful you will make the right decision to protect the Maryland part of Chesapeake bay. Tom Lilly Whitehaven, Md

note 1. Please read above on the ASMFC Charter requirement for equity in allocation between states. How equitable is Virginia 78.66% and Maryland 1.89% and Maryland menhaden watermen could not even catch that .....surrendering a million lbs back to Virginia each year. It wasn't there to catch....Russell Dize told you there were "no menhaden" in Maryland last Summer.

note 2. At scan 1 page 3 are the brutal facts from Southwick about what has happened. ending in our last data from 2009 to 2016 a million striped bass trips were lost a year., the Lovell NOAA surveys show children are on about 8-10 % of trips so in that time period Virginia's kids missed out on one million seven hundred thousand fun filled fishing trips with parent and grandparents and those wonderful moments have been lost forever and it was all completely avoidable by this board.

note 3. According to NOAA survey of the value of fish landed at US ports the catch at Reedville is \$34 million dollars a year. So, roughly speaking, since Canadian Glen Cooke bought Omega Protein in 2017 he has been given well over 200 million dollars worth of our natural resources with all the profits exported to Canada and yet they never thank the people of Chesapeake bay for this or apologize for the damage they do, they just use their lobbyists, their lawyers and their political connections in Virginia to block even the most reasonable restrictions and prevent science from developing. The two owners of the bait boats have benefited in the same way and at least one reacted the same way when the Chesapeake Legal Alliance/ SMRFO Petition for relief was shot down again at the MRC last week.



# The Path to an Ecosystem Approach for Forage Fish Management: A Case Study of Atlantic Menhaden

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## OPEN ACCESS

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Atlantic menhaden (*Brevoortia tyrannus*) support the largest fishery by volume on the United States East Coast, while also playing an important role as a forage species. Managers' and stakeholders' increasing concerns about the impact of Atlantic menhaden harvest on ecosystem processes led to an evolution in the assessment and management of this species from a purely single-species approach to an ecosystem approach. The first coastwide stock assessment of Atlantic menhaden for management used a single-species virtual population analysis (VPA). Subsequent assessments used a forward projecting statistical catch-at-age framework that incorporated estimates of predation mortality from a multispecies VPA while analytical efforts continued toward the development of ecosystem models and explicit ecological reference points (ERPs) for Atlantic menhaden. As an interim step while ecosystem models were being developed, a series of *ad hoc* measures to preserve Atlantic menhaden biomass for predators were used by managers. In August 2020, the Atlantic States Marine Fisheries Commission formally adopted an ecological modeling framework as a tool to set reference points and harvest limits for the Atlantic menhaden that considers their role as a forage fish. This is the first example of a quantitative ecosystem approach to setting reference

The ERP WG evaluated the five ERP models based on their performance (i.e., residuals, sensitivities, and other diagnostics), their strengths and weaknesses, and their ability to inform the fundamental ecosystem management objectives (Buchheister et al., 2017a,b; McNamee, 2018; Uphoff and Sharov, 2018; Nesslage and Wilberg, 2019; Chagaris et al., 2020). The ERP WG ultimately recommended using the NWACS-MICE model rather than the other four for two reasons. First, the EwE framework used by the NWACS-MICE model was the only approach that could address both the top-down effects of predation on Atlantic menhaden and the bottom-up effects of Atlantic menhaden on predator populations, which were required to evaluate the key tradeoffs between Atlantic menhaden harvest and predator needs that were central to the identified ecosystem objectives. Second, the NWACS-MICE implementation was less data-intensive than the full NWACS model, which reduced some of the uncertainty associated with modeling the data-poor predators and prey in the full model. This meant the NWACS-MICE model could be updated more quickly and efficiently, on a timeframe that met manager's needs. Comparisons of the full and MICE versions of the NWACS model indicated that the NWACS-MICE model included the fish predators most sensitive to the menhaden population. Striped bass was the most sensitive fish predator to Atlantic menhaden harvest in both models. In the full NWACS model, nearshore piscivorous birds were also sensitive to Atlantic menhaden  $F$ , but their response was similar to striped bass over the range of scenarios explored by the full model (Southeast Data Assessment and Review [SEDAR], 2020b). This choice was consistent with a growing body of literature that has recommended models of intermediate complexity (i.e., MICE) for ecosystems as representing a compromise between complexity/realism and uncertainty for use in management (Plagányi et al., 2014; Collie et al., 2016; Punt et al., 2016). Specifically, the ERP WG recommended using the NWACS-MICE in conjunction with the single-species assessment model, BAM; the NWACS-MICE model would provide strategic advice about the trade-offs between Atlantic menhaden fishing mortality and predator biomass to set reference points, while the single-species model would be used to provide short-term tactical advice about harvest strategies to achieve the ERP  $F$  target (Chagaris et al., 2020; Southeast Data Assessment and Review [SEDAR], 2020b). The ERP report was peer-reviewed with the single-species assessment in 2019, and the ERP WG's recommended tool was deemed acceptable for management use by a panel of independent experts (Southeast Data Assessment and Review [SEDAR], 2020b). The peer-review panel also recommended the continued development of the alternative models going forward.

## CURRENT MANAGEMENT

The development and implementation of ERPs for Atlantic menhaden was a lengthy process (Figure 4 and Table 1), but in August 2020, ASMFC adopted the approach from the ERP WG for management use. The ERP target was defined as the maximum  $F$  on Atlantic menhaden that would sustain striped bass at their biomass target when striped bass were fished at their

$F$  target. The ERP threshold was defined as the maximum  $F$  on Atlantic menhaden that would keep striped bass at its biomass threshold when striped bass was fished at its  $F$  target. For both reference points, all other species in the model were fished at their *status quo* (i.e., 2017)  $F$  rates. Striped bass was the focal predator species for this analysis because it was the most sensitive to Atlantic menhaden  $F$  in both the NWACS-MICE and the full NWACS models. Thus, levels of Atlantic menhaden  $F$  that sustain striped bass should also sustain piscivorous birds and less sensitive predators, in the absence of significant disruptions to the ecosystem (Southeast Data Assessment and Review [SEDAR], 2020b). With these ERP targets and thresholds, the Atlantic Menhaden Management Board reviewed projections from the single-species model, BAM, and set a quota for 2021 and 2022 of 194,400 mt, a 10% decrease in the quota from 2020.

The ERP WG explored a range of scenarios for the other focal species (i.e., not Atlantic menhaden or striped bass) and found that the NWACS-MICE model was sensitive to the population level of Atlantic herring, resulting in higher  $F$  reference points for Atlantic menhaden when Atlantic herring was at its biomass target and lower  $F$  reference points when Atlantic herring was below its biomass threshold as compared to the *status quo* scenario. Atlantic herring are an important prey item for striped bass in some seasons and regions. However, this sensitivity is likely due to the lack of seasonal and spatial dynamics in the NWACS-MICE model rather than reflecting true ecosystem dynamics. When a seasonal forcing function was added to the striped bass-Atlantic herring relationship, the sensitivity of the model was significantly reduced and the  $F$  target values were similar across multiple scenarios. The *status quo* 2017 scenario most closely approximated short-term conditions for the ecosystem; this assumption can be revisited after additional analysis to incorporate seasonal dynamics into the NWACS-MICE model as part of the next stock assessment, which is scheduled for 2025.

The ERP target and threshold  $F$  were lower than the single-species target and threshold  $F$ . The  $F$  value from the NWACS-MICE model was on a different scale than the  $F$  values from the single-species model due to differences in model structure. The single-species model is a statistical catch-at-age model that estimates an annual full  $F$ , the instantaneous fishing mortality rate that the fully selected age class experiences, while the NWACS-MICE model is an EwE model that uses an exploitation rate to drive the population based on the proportion of age-1+ biomass removed by the fishery each year. As a result, although both models report an  $F$ , estimates of  $F$  reference points from the NWACS-MICE model are not directly comparable to estimates of annual  $F$  from the single-species model. Therefore, the NWACS-MICE model  $F$  values were scaled to the single-species values for use in management. The NWACS-MICE model produced a tradeoff curve relating menhaden  $F$  to striped bass biomass, in an equilibrium context. From this relationship, Atlantic menhaden  $F$  multipliers were identified that would maintain striped bass at their biomass target or threshold, when striped bass were fished at their  $F$  target. The  $F$  multipliers that produced these conditions were then applied to the single-species model estimate of full  $F$  in the terminal year to produce the ERP target and threshold

FWD: Menhaden

From: George Scocca [george@nyangler.com](mailto:george@nyangler.com)

To: Tom [foragematters@aol.com](mailto:foragematters@aol.com)

Date: Mon, March 8, 2021 7:15am

Hello Tom:

I am the person that spearheaded the bill that has kept reduction fishing out of NY waters. The changes here have been unbelievable. I can talk about it all day. My single greatest accomplishment in 35 years of fisheries management.

The availability of bunker throughout our season has seen an increase in both charter and party boats carrying anglers to get in on our great striped bass fishery. Bass stick with their food source and this has kept a healthy population of stripers in our waters. It's sparked a number of for hire boats to carry more anglers than ever before.

It has also had a profound effect on our bird population. We now have about 12 dozen nest pair eagles on long island and the osprey population is thriving. All due to the amount of forage for them to eat.



And lets not forget the importance of their filtering our waters.

Thank you.

George R. Scocca  
[nyangler.com](http://nyangler.com)

Check out my LinkedIn profile

✓ SCIENTISTS INCLUDING R. LATOUR AND S. MADSEN SAY WHEN STRIPED BASS AND OSPREYS ARE SUFFERING OVERHARVESTING IS THE CAUSE.

Striped bass was the most sensitive fish predator to Atlantic menhaden harvest in both models. In the full NWACS model, nearshore piscivorous birds were also sensitive to Atlantic menhaden *F*, but their response was similar to striped bass over the range of scenarios explored by the full model (Southeast Data Assessment and Review [SEDAR], 2020b).

THERE ARE 50% FEWER MENHADEN IN THE SPRING THAN JUST A FEW YEARS AGO (SEE CHART NEXT PAGE)

SEVENTY % OF THE OVERALL INDUSTRY CATCH OF 150,000 mt IS ONE YEAR OR YOUNGER EQUALS 1,000 TEN TON MENHADEN SCHOOLS CAUGHT BEFORE THEY CAN SPAWN ONE TIME. OVER 100,000 mt UNDERAGE FISH

Table 2. Percent age composition of the reduction catch in the Atlantic Menhaden fishery, 2016-2020.  
\*Results are preliminary or incomplete for 2018-2020

Year	Age-0	Age-1	Age-2	Age-3+
2020*	*	*	*	*
2019*	0%	58%	34%	7%
2018*	*	*	*	*
2017	0%	81%	17%	2%
2016	0%	26%	50%	24%

DECLINES IN STRIPED BASS FISHING TRIPS IN VA HAVE RESULTED IN OVER A MILLION LOST TRIPS WITH FRIENDS, FAMILY AND CHILDREN AND MILLIONS OF DOLLARS LOST INCOME FOR VA SMALL BUSINESSES.

Table VA-1. Anglers and angler trips in Virginia

	2009	2016
Total Anglers	907,422	724,276
Total Trips	8,410,827	7,247,361
Striped Bass Trips	1,192,172	436,169
Bass Trips % of total	14%	6%

Table VA-2. Trip distribution by type in Virginia

	2009	2016
For-Hire	4%	4%
Private	79%	68%
Shore	18%	28%



**SOUTHWICK ASSOCIATES**

Revised April 12, 2019



**Recreational Economic Impacts**

In 2016, \$106.6 million was added to the gross domestic product of Virginia, compared to just over \$240.5 million in 2009. There were 1,444 jobs supported in 2016 and 3,582 jobs supported in 2009.

*Table VA-4. 2009 Economic impacts from spending related to recreational striped bass angling in Virginia*

	Jobs	Salaries and Wages (\$000s)	GDP (\$000s)	Total Output (\$000s)	State/Local Taxes (\$000s)	Federal Taxes (\$000s)
Direct Effect	2,362	\$95,282.9	\$142,119.2	\$210,982.3	\$19,266.9	\$22,408.3
Multiplier Effect	1,220	\$56,634.5	\$98,401.3	\$171,009.9	\$8,227.7	\$14,301.0
<b>Total</b>	<b>3,582</b>	<b>\$151,917.4</b>	<b>\$240,520.4</b>	<b>\$381,992.2</b>	<b>\$27,494.6</b>	<b>\$36,711.2</b>

*Table VA-5. 2016 Economic impacts from spending related to recreational striped bass angling in Virginia*

	Jobs	Salaries and Wages (\$000s)	GDP (\$000s)	Total Output (\$000s)	State/Local Taxes (\$000s)	Federal Taxes (\$000s)
Direct Effect	959	\$42,451.4	\$62,924.8	\$90,355.4	\$8,623.6	\$10,016.5
Multiplier Effect	485	\$25,099.3	\$43,698.4	\$75,556.7	\$3,624.1	\$6,350.9
<b>Total</b>	<b>1,444</b>	<b>\$67,550.7</b>	<b>\$106,623.3</b>	<b>\$165,912.0</b>	<b>\$12,247.6</b>	<b>\$16,367.5</b>

Handwritten notes at the bottom of the page, including a signature and the number 429.

HOW TO

([HTTPS://WWW.SALTWATERSPORTSMAN.COM/CATEGORY/HOWTO/](https://www.saltwatersportsman.com/category/howto/))

## Is New Jersey the New Striped Bass Mecca?

Honachefsky

### EXCERPT FROM ARTICLE

Jersey (<https://www.saltwatersportsman.com/story/sponsored-post/new-jersey-striped-bass-fishing/>) politicians did one thing right: Getting the Omega 3 bunker boats out of state waters. That has allowed a vast biomass of menhaden to proliferate throughout

the year in Jersey waters. This draws behemoth bass into the bays, river systems and alongshore to fatten up on omnipresent adult bunker.

Walk up to the beach and black clouds of bait are present in the

<https://www.saltwatersportsman.com/howto/is-new-jersey-the-new-striped-bass-mecca/>

Walk up to the beach and black clouds of bait are present in the surf and nearshore from spring through winter. During the fall, massive schools of smaller baits such as peanut bunker, bay anchovies and spearing push out of the backwaters and inundate the surf line. From October through December, sand eels choke the surf waters.

A catch and release striper surf tourney on a small stretch of the Jersey coast last October reported 53 bass from 40 to 52 inches (25 to 52 pounds) released in one day. And that chew lasted for days.



**Southern Maryland Recreational Fishing Organization, Inc.**

**P.O. Box 132**

**Valley Lee, Maryland 20692-0132**

May 7, 2025

John Clark, Chairman of the Atlantic Menhaden Management Board

My name is Phil Zalesak. I am president of the Southern Maryland Recreational Fishing Organization (SMRFO).

My testimony is about federal law which is not on the agenda.

The Atlantic States Marine Fisheries Commission is in violation of federal law, the Magnuson-Stevens Act (a), regarding its management of the Atlantic menhaden fishery for allocating over 75% of the Atlantic Coast total allowable catch of Atlantic menhaden to the Commonwealth of Virginia.

The Virginia Marine Resources Commission is also in violation of this act for allocating over 90% of its quota to a Omega Protein, a Canadian owned company, and the last remaining Atlantic menhaden reduction fishery on the Atlantic Coast.

Omega Protein is therefore allocated over 2 / 3 of the total allowable catch for the entire Atlantic Coast with most of that coming from Virginia waters. That's 158,000 metric tons or 348 million pounds or 3 / 4 of a billion fish be removed mostly from the Chesapeake Bay and its entrance. That's the classic definition of localized depletion.

Federal law does not accommodate the historical harvest of a fishery as a factor in allocating quota.

In fact, National Standard 4 specifically states the opposite:

- First, "Conservation and management measures shall not discriminate between residents of different states."
- Second, "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;"
- Third, ". . . reasonably calculated to promote conservation;"
- Fourth, "carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privilege."

This Board is in violation of all of these standards and more in the Magnasun-Stevens Act. This has led to an ecological and economic disaster in the Chesapeake Bay and its entrance as documented by NOAA, the 2019 Southwick Associates economic study of Striped Bass, and the Maryland Department of Natural Resources Striped Bass Young-of-Year data for the last 7 seven years.

Finally, if you do nothing, I will be working with lobbyists at the US State Department to facilitate a Presidential Executive Order to end all reduction harvesting of Atlantic menhaden in US state and federal waters.

I thank you for the time.



Phil Zalesak

President

Southern Maryland Recreational Fishing Organization

Corporate Facebook: <https://www.facebook.com/profile.php?id=61552422541232>

Membership Facebook: <https://www.facebook.com/groups/598428253621775>

Email: [smrfo2021@gmail.com](mailto:smrfo2021@gmail.com) Twitter (X): @pzalesak44

References: (a) [National Standard Guidelines | NOAA Fisheries](#)

## James Boyle

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**From:** James Boyle  
**Sent:** Tuesday, April 29, 2025 3:47 PM  
**To:** James Boyle  
**Subject:** RE: [External]

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**From:** Joan Millward <admin@virginiaospreyfoundation.org>  
**Sent:** Tuesday, April 29, 2025 1:21 PM  
**To:** James Boyle <JBoyle@ASMFC.org>; Comments <comments@asmfc.org>; Tina Berger <T Berger@ASMFC.org>  
**Subject:** [External]

Dear Members of the Atlantic Menhaden Work Group,  
I have attached photos of osprey chicks from last season. These never had a chance to make it to a rehabilitator but the ones that did died as well, all from starvation. The beautiful chick sitting on the grass died within an hour of the photo. These pictures represent only a few of those that died. Please view video in body of this email to witness sibling rivalry. I am also attaching copies of emails from DWR reporting on the necropsies performed on three of our chicks. And last, my comment and recommendation. Please understand that something must be done to conserve our Bay and its natural resources.

Video Link: [https://drive.google.com/file/d/1RLvrm\\_3QiFU4wbCTcj6\\_1KMeV-zFdV5l/view?usp=drive\\_web](https://drive.google.com/file/d/1RLvrm_3QiFU4wbCTcj6_1KMeV-zFdV5l/view?usp=drive_web)

Sincerely,  
Joanie Millward, President  
Virginia Osprey Foundation  
(540) 220-6387  
<https://www.virginiaospreyfoundation.org>



CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From: Joan Millward, President  
Virginia Osprey Foundation  
405 Livingstone St.  
Colonial Beach, VA 22443

April 29, 2025

To: Members of the Atlantic Menhaden Work Group

Colonial Beach hosts fifty plus Osprey nesting sites in 2.6 square miles. My husband and I have closely monitored these nests since 2023 but have been observing them since 2017 when we moved here. In 2023 we were made aware of the problems the Osprey were experiencing in Mobjack Bay. In 2023 the Osprey in Colonial Beach were doing well as always. We fledged fifty-five chicks. Two nests fledged three chicks, seventeen nests fledged two chicks, and the fifteen fledged one chick. We thought, because of our location, our Ospreys were immune to the devastation of those in the Bay.

In early 2024 it appeared that we were still doing well. Everything seemed normal. In June we banded 25 chicks. At that time, the chicks appeared healthy and well fed. By mid-August 2024, a disturbing trend emerged. Only twenty-three chicks appeared to have reached fledgling size and eight more smaller chicks remained in nests. In the following weeks, seventeen downed chicks were transported to rehabilitators, and eight dead chicks were identified. Four of the dead chicks were necropsied by Virginia Department of Wildlife Resources and it was established that their deaths were caused by starvation. (see attached in email)

Colonial Beach has an Osprey nest cam. The nest we selected for this cam had been successful for at least twenty years. As we observed this nest through the cam, we witnessed three chicks hatch. The last one to hatch died within two days. We then watched as sibling rivalry occurred between the remaining two chicks. Sibling rivalry occurs when there is a shortage of food. (Poole, Ospreys A Natural and Unnatural History, 1989) On July 18 the second chick died at twenty-five days old. At forty-four days old on August 3<sup>rd</sup>, the female disappears. On August 7, DWR removed the chick from its nest and delivered it to a rehabilitator. On August 8, the chick died.

Colonial Beach was not the only area experiencing a disastrous season. Nassawaddox Creek, Occahannock Creek, and Pungoteague Creek, they too experienced numbers below what is believed to be required for population maintenance.

My recommendation would be to only allow purse seine fishing three miles off the coast of Virginia as every other state affected by Atlantic Menhaden on the east coast does. It is imperative for the health of our ecosystem, for the Bay, for all of our Virginia waters. Please do the right thing.

Joanie Millward



**Tracey, John (DWR)** <John.Tracey@dwr.virginia.gov>  
to Michael, me, Jeffrey, Sergio ▾

Thu, Jan 23, 5:14 PM ☆ 😊 ⏪ ⋮

Joanie,

You are correct. All 3 birds that were submitted died from starvation/emaciation. Liver iron levels were slightly elevated in 2 of the 3, but this was suspected to be secondary to starvation. No other heavy metals were isolated.

Thanks!

John

## Necropsy Report



**Joan Millward** <admin@virginiaospreyfoundation.org>  
to Cindy, JENNIFER, Pam, DONNA

Wed, Sep 4, 2024, 3:37 PM ☆ ↶ ⋮

I received this today.

On Wed, Sep 4, 2024 at 10:20 AM Tracey, John (DWR) <[John.Tracey@dwr.virginia.gov](mailto:John.Tracey@dwr.virginia.gov)> wrote:

Hey All,

The preliminary **necropsy** data from SCWDS would support such a theory. All 4 birds (including the outlier from Smith Mountain) were in poor body condition with very little in their GI tracts. HPAI and WNV testing was negative. They sent the livers out for heavy metal toxicology, but it'll be a while before we get that back. If they find anything else in the tissue when they do the histology, I'll let you know.

Thanks,

John

Joanie Millward, President  
Virginia Osprey Foundation  
(540) 220-6387  
<https://www.virginiaospreyfoundation.org>

















April 29, 2025

**Via Electronic Mail**

Mr. James Clark  
Chair, Menhaden Management Board  
Atlantic States Marine Fisheries Commission  
1050 North Highland St., Suite 200 A-N  
Arlington, VA 22201

**RE:** Comments on the Atlantic Menhaden Work Group Report

Dear Chairman Clark:

There had been hope among the employees and officials of Omega Protein and Ocean Harvesters following the adoption of ecological reference points and a string of positive stock assessments that the Atlantic States Marine Fisheries Commission (“ASMFC”) would declare victory and turn its attention to fisheries in need of management. We did not foresee that the Menhaden Management Board would consider undertaking management of osprey in the Chesapeake Bay. But here we are.

The Atlantic Menhaden Work Group operated under the flawed assumption that “there is an inadequate supply of menhaden to support overall predatory demand in the Bay”<sup>1</sup> instead of evaluating the impressive amount of information it collected. Rather, the Work Group developed what it considers “feasible management approaches,” leaving it to “the Board to determine if or when it is necessary to implement them.” Whether or not this is a reasonable assessment of the Work Group’s mandate and whether the management recommendations are feasible (many would have significant negative economic impacts on the Chesapeake Bay reduction and bait fisheries and businesses that rely on them), the Report itself lends no support to the proposition that new restrictions are needed.

In summary, the data collected shows that the reduction fishery takes a very small amount of catch during May when most chicks die, especially over the past two years. Moreover, in May and June, it operates north and east of Mobjack Bay. The fishery does most of its fishing at

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<sup>1</sup> Atl. Menhaden Work Group, Memo to Atl. Menhaden Mgmt. Bd., “Precautionary Management of Chesapeake Bay” (hereafter “Rpt.”), at 1 (Apr. 23, 2025).

the mouth of the Bay in August and September, when many schools are just as likely to be leaving the estuary rather than entering it.

Perhaps a more important question to ask would have been, “are other predators dietary needs being met?” Striped bass and weakfish are in the healthy range of Fulton’s Index, suggesting they are not food stressed. Populations of brown pelicans and cormorants, each far more dependent on menhaden than ospreys, are growing and expanding their ranges in the Bay. So too are populations of red drum, cobia, spotted seatrout, and Spanish mackerel—all of which have high dependence on menhaden.

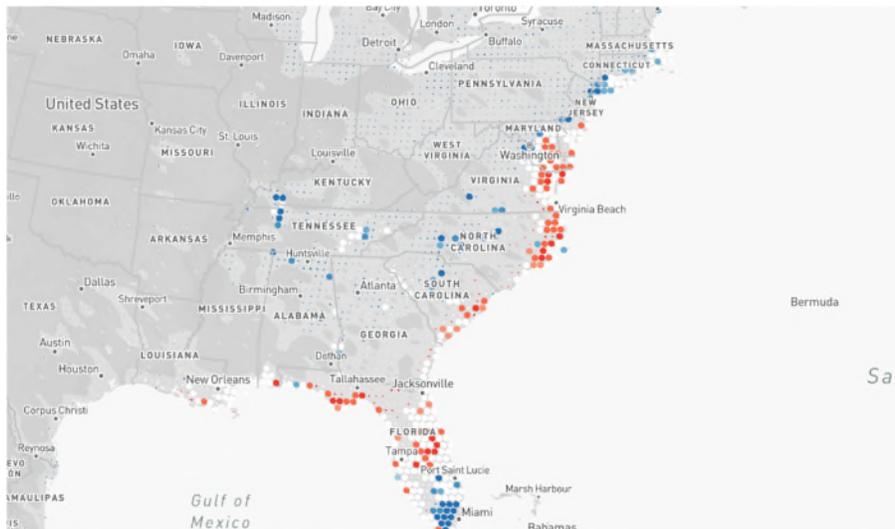
Nor, finally, is the issue of declining osprey brooding success limited to the Chesapeake Bay or areas where the menhaden fishery operates. Scientists with the U.S. Geological Survey Presented the Board with data showing similar dramatic rates of osprey population increases following the DDT-era followed by periods of decline and a stabilization at lower than peak levels. Cornell University’s eBird database show patterns of decline in coastal populations from Florida and Virginia, with increases in freshwater areas inland.

The Chesapeake Bay osprey population increased 1,801% between 1966 and 2022 (USGS). Over the same period, bald eagle populations have likewise spiked. Climate change has likely induced the growth of new piscivorous bird species populations in the Bay and led to the influx of a new set of predators. Population theory suggests a rebounding species will grow rapidly, exceed its carrying capacity, and level off, which is exactly what is happening with osprey in the Chesapeake region. Meanwhile, a host of other menhaden-dependent fish and avian predators are thriving. If anything, it appears that ospreys are simply being out-competed by other species.

Thus, any new management restrictions on the Bay menhaden fishery are unwarranted. Citations from the Report and other sources supporting this position are set forth below.

- **Brood failures cannot be caused by the reduction fishery.**
  - The Report notes: “**Most [osprey] broods are lost within the first 2 weeks of development,**” or sometime in mid- to late May. (Rpt. at 10.)
  - At that time, the reduction fishery operates **north and east of Mobjack Bay.** (Rpt. at 34 (Table 4); Exh. 1 below.)
  - The fishery took a total of **0.01% of the Bay Reduction Fishery Cap in May 2023 and 0.4% in May 2024** due to late arriving large schools of menhaden. (Rpt. at 34 (Table 3).)
  - “Of the 6,257 menhaden Bay purse seine net sets reported on the CDFR’s between 2020 and 2024, **only 113 net sets (1.81%) occurred in just four of the Watts et al. 2024 osprey study areas** (Fleeton Bay, Mobjack Bay, Eastern Shore, and Piankatank River).” (Rpt. at 13.)

- **Other menhaden-dependent predators are thriving in the Chesapeake Bay.**
  - “The use of Fulton’s Condition Factor as a measure of **the Bay’s Striped Bass population health would indicate the fish are not starving** and would be **considered healthy.**” (Rpt. at 23.)
  - Red drum, spotted sea trout, and weakfish are **all in the healthy range.** (Rpt. at 23.)
  - “Atlantic menhaden make up **50-55% of the diet of cormorants** and **74% of the diet of brown pelicans** by weight.” (Rpt. at 16.)
    - Double-crested cormorants in Virginia **increased** from over **400 pairs** in 1995 to **over 3,000 pairs today.**<sup>2</sup>
    - “The Brown Pelican was **first found breeding in Virginia** on Fisherman Island **in 1987.**” Today, the Shanks Island colony has **1,753 pairs** and the Wreck Island colony has **1,493 pairs.** (Rpt. at 17.)
  - **Other predators that are consume menhaden** (red drum, Spanish mackerel, and spotted seatrout) **are expanding in the Bay.** (Rpt at 20-21, 54 (Fig. 18), 55 (Fig. 19).)
- **Similar patterns of decline in coastal osprey populations are evident in areas of the Atlantic and Pacific coasts where the menhaden fishery does not operate.**
  - “[A]bundance indices in **other Atlantic and Pacific coast states show similar plateauing and short-term declines** since 2012.” (Rpt. at 9.)



Source: eBird data from 2012-2022. <https://science.ebird.org/en/status-and-trends/species/osprey/trends-map>

<sup>2</sup> (Rpt. at 16.) The measured population peaked to 5,012 pairs in 2018, but in 2023, “erosion significantly deteriorated Shanks Island, leading to a significant drop in cormorants located within Virginia to just over 3000 breeding pairs.” (*Id.* (citing Watts et al. 2019).)

- **Osprey have been even less successful in foraging for other prey fish.**
  - Academia and Watts, 2023, showed that **menhaden, as a percentage of osprey diet, increased** between the 2006-07 study period and 2021. Deliveries of other prey species declined by 50%, while menhaden declined less than 43%.
  - The lack of osprey foraging success of all species is **suggestive of environmental factors limiting fish availability** in osprey foraging areas; factors such as osprey arriving in **weakened conditions** due to conditions in wintering grounds; and/or **increased competition and depredation.**

TABLE 2 Mean ( $\pm$  standard error) estimates of osprey reproductive, provisioning and diet parameters, sample sizes (nests) and one-way ANOVA results from the lower Chesapeake Bay.

Parameter	1974-75	1985	2006-07	2021	F-statistic	p value
Nests (N)	8	7	8	4		
Provisioning (fish/10 hr)	5.3 $\pm$ 0.50	3.5 $\pm$ 0.30	2.7 $\pm$ 0.30	1.4 $\pm$ 0.50	15.6	<0.001
Menhaden rate (fish/10 hr)	-----	2.4 $\pm$ 0.32	0.7 $\pm$ 0.19	0.4 $\pm$ 0.32	17.9	<0.001
Menhaden (% of diet)	-----	67.3 $\pm$ 4.07	24.7 $\pm$ 4.90	30.2 $\pm$ 6.93	19.4	<0.001

Estimated productivity required for a stable population within the Chesapeake Bay is 1.15.  
From Academia and Watts, 2023.

####

It often gets lost in the debate, but the Board’s management of the menhaden fishery generally and the component that occurs in the Chesapeake Bay is highly precautionary. The overall total allowable catch has been set so there is virtually no chance that the management *target* will be breached, leaving zero chance of overfishing. The original Bay reduction fishery cap itself was established in 2006 as a precautionary measure and has since been reduced twice to less than half that level. Given the reduction in the number of menhaden plants and vessels in this fishery, it is likely that current harvest levels in the Chesapeake Bay at their lowest levels since the 1800s.

Atlantic menhaden is the ASMFC’s greatest management success. The stock is thriving and, to date, it is providing both necessary ecosystem services and socioeconomic benefits. Additional and unnecessary new management restrictions, based on scientific information that does not support action, in the most important sector of the fishery threatens to undermine all of the Commission’s good work. We urge you to stick to science-based fisheries management and stick with the current management regime.

Sincerely,

/s/ Shaun M. Gehan

Shaun M. Gehan

*Counsel to Omega Protein and Ocean Harvesters*

### EXHIBIT 1: Ocean Harvester Sets, May & June 2021

The timing and location of the menhaden fishery do not suggest that it could have had an impact on the availability of menhaden in Mobjack Bay during the period of the Academia and Watts study. Dr. Watts indicated that the highest number of nest failures in 2021 occurred in May. However, that month, Ocean Harvester's vessels made all of their sets above the study area, indicating that menhaden had entered the Bay, but apparently did not choose to enter Mobjack Bay in significant numbers. Likewise in June, no sets were made anywhere near the nesting sites.

