

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

**The Westin**  
**Annapolis, Maryland**  
**Hybrid Meeting**

**October 22, 2024**

**Approved May 7, 2025**

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2. **Approval of Proceedings of August 2024** by consent (Page 1).
3. **Motion to approve the Fishery Management Plan Review, state compliance reports, and *de minimis* requests for PA, SC, GA and FL for Atlantic Menhaden for the 2023 fishing year** (Page 17). Motion made by Doug Grout; second by Jim Gilmore. Motion approved by consent (Page 17).
4. **Motion to elect Joe Cimino as Vice-Chair of the Atlantic Menhaden Management Board** (Page 21). Motion approved by consent (Page 21).
5. **Move to adjourn** by consent (Page 21).

## ATTENDANCE

### Board Members

Megan Ware, ME, proxy for Pat Keliher (AA)	Loren Lustig, PA (GA)
Rep. Allison Hepler, ME (LA)	John Clark, DE (AA)
Steve Train, ME (GA)	Roy Miller, DE (GA)
Cheri Patterson, NH (AA)	Lynn Fegley, MD (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Dr. Allison Colden, MD, proxy for Del. Stein (LA)
Doug Grout, NH (GA)	Russell Dize, MD (GA)
Nichola Meserve, MA, proxy for D. McKiernan (AA)	Pat Geer, VA, proxy for Jamie Green (AA)
Rep. Jennifer Armini, MA (LA)	James Minor, VA (GA)
Ray Kane, MA (GA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Nicole Costa, RI, proxy for J. McNamee (AA)	Chad Thomas, NC, proxy for Rep. Wray (LA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Jerry Mannen, NC (GA)
David Borden, RI (GA)	Ben Dyar, SC, proxy for Blaik Keppler (AA)
Matthew Gates, CT, proxy for J. Davis, CT (AA)	Mel Bell, SC, proxy for Sen. Cromer (LA)
Rep. Joseph Gresko (CT) (LA)	Dr. Malcolm Rhodes, SC (GA)
Rob LaFrance, CT, proxy for Bill Hyatt (GA)	Doug Haymans, GA (AA)
Marty Gary, NY (AA)	Spud Woodward, GA (GA)
Jim Gilmore, NY, proxy for Assy. Thiele (LA)	Erika Burgess, FL, proxy for J. McCawley (AA)
Emerson Hasbrouck, NY (GA)	Gary Jennings, FL (GA)
Joe Cimino, NJ (AA)	Ron Owens, PRFC
Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)	Max Appelman (NMFS)
Jeff Kaelin, NJ (GA)	Rick Jacobson (USFWS)
Kris Kuhn, PA, proxy for T. Schaeffer (AA)	

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

### Ex-Officio Members

#### Staff

Bob Beal	Caitlin Starks	Katie Drew
Toni Kerns	Jeff Kipp	Jainita Patel
Tina Berger	Tracy Bauer	Chelsea Tuohy
Madeline Musante	James Boyle	Emilie Franke

The Atlantic Menhaden Management Board of the Atlantic States Marine Fisheries Commission convened in the Capitol Ballroom via hybrid meeting, in-person and webinar; Tuesday, October 22, 2024, and was called to order at 2:30 p.m. by Chair John Clark.

### **CALL TO ORDER**

CHAIR JOHN CLARK: It's 2:30, this meeting of the Atlantic Menhaden Management Board is now called to order. I am John Clark; I am chairing this Board today and I am the Administrative Commissioner for the state of Delaware.

### **APPROVAL OF AGENDA**

CHAIR CLARK: Let's move right on to the consent items. Does anybody have any objections or additions to the agenda? Seeing none; the agenda is approved by consent.

### **APPROVAL OF PROCEEDINGS**

CHAIR CLARK: Any revisions to the proceedings from August, 2024? Seeing none; those are approved by consent.

### **PUBLIC COMMENT**

CHAIR CLARK: We're going to move on to Item 3, Public Comment for items that are not on the agenda. We're asking those to raise their hands, and I see Mr. Zalesak and Mr. Lilly, and once again these are items not on the agenda.

We know there is an item on the agenda that people are very interested in, and if we have time during that we may take some additional comment. Is there anybody else who had their hands up? I think it was just, is somebody else in the back there? Okay. Holy Chamoli, okay, we've got a bunch. Two minutes a piece, and are we ready? All right, go right ahead, Mr. Zalesak.

MR. PHIL ZALESAK: Because I would like to save my three minutes to the end after Mr. Martin Gary has spoken. I would like my three

minutes; I just drove two and a half hours to speak here for two minutes.

CHAIR CLARK: Okay, so I'm not understanding you. You are saying you want to wait to make your comments until one of the other?

MR. ZALESAK: Well, let's just do this. Why don't you start the clock and you can stop me anytime you want. The difference, I want saved for the end of this meeting, because I don't want to drive two and a half hours for nothing. Is that fair?

CHAIR CLARK: In other words, when we get to the other items you may want to make a different comment, is that your point?

MR. ZALESAK: I would like to make three minutes of comments at the beginning, the middle and the end.

CHAIR CLARK: Well, in any event, let's take what we have in front of us right now, Sir. Go right ahead and make your comment to the items that are not on the agenda.

MR. ZALESAK: My name is Phil Zalesak; I am a member of the Save Our Menhaden Coalition. First, I would like to thank the Board for establishing a Menhaden Work Group to address the problem of localized depletion in the Atlantic menhaden in the Chesapeake Bay. Second, the Board is in desperate need of your leadership, Mr. Chairman. Why? Consider the Commission's history and policy. Localized depletion of Atlantic menhaden in the Chesapeake Bay was identified in 2004 as part of Special Report '83, 20 years ago.

CHAIR CLARK: Phil.

MR. ZALESAK: Let me finish, this is history.

CHAIR CLARK: Like I just said, Phil, this is for items not on the agenda. We are going to be talking about the situation in the Chesapeake.

MR. ZALESAK: I'm talking about history.

CHAIR CLARK: Okay, well let's just keep it to history then, fine.

MR. ZALESAK: We talk about 20 years ago this Board already identified a problem. All right and now we're saying localized depletion, it was explicitly defined in 2009, five years later 16 years ago. Now here is another thing that I would like you to bring up at the Policy Board meeting, Mr. Chairman. Further the Board and the Commission process for accommodating public comment is ridiculous.

A member of the public could spend a weekend preparing comments pertinent to the meeting at hand, but is unable to make comments, due to Commission policy. I want you to bring it up at the policy meeting. This is truly stupid and an insult to the citizens of this country. Finally, I respectfully request you do the following. Direct the Workgroup to use 2009 definition of localized depletion of Atlantic menhaden in the Chesapeake Bay.

MR. CLARK: Okay, I'm going to stop you there, Phil. You're talking about something that is on the agenda, okay.

MR. ZALESAK: Then I would want the balance of my time, a minute and a half, whatever it is for the end. Thank you.

MR. CLARK: Once again, about the comments for Atlantic States. There is a very lengthy public comment period for written comments, and the comments at the meeting obviously are restricted, because of the agendas we have. In any event, we'll move on to our next commenter, which is Mr. Tom Lilly, correct?

MR. TOM LILLY: Yes, Sir. I'm Tom Lilly, as you all know, I'm from White Haven, Maryland, down on the eastern shore, about 100 miles south of here. The first thing I would like to say is on behalf of 9 million Marylanders, and probably a million children that love and treasure Chesapeake Bay, 25 to 50 organizations, probably a half million

recreational watermen. I want to thank all of you delegates from the states that are here this morning, and in the past have supported Maryland, because Maryland is trying to restrain the factory fishing, as you know.

I want to thank everyone of you. I wish I could meet you personally, and thank everyone of you for helping Chesapeake Bay in this time of need. What I wanted to say here this morning is that unless you take decisive action here, there will be thousands of Chesapeake Bay osprey babies dying on the nest this spring.

This is the avian species, as you know, that you chose as your ERP indicator of whether or not menhaden harvest was excessive. That indicator is failing, as is your other indicator the striped bass, which is as you know the flagship species of the Commission. Now, we know what is going to happen this year unless something is going to be done.

History is going to repeat itself, and there are going to be thousands of these babies, maybe tens of thousands dying in the nest. But this spring is going to be different. I'll tell you why. The people that care about the Bay are alerted to what is going to be happening. I think many of them will not stand by and just watch once these babies starve. I think they are going to begin to feed them. Osprey nests and babies can be viewed with inexpensive cameras on extension poles. Feeding menhaden saves babies and the parents from the anguish of selecting.

MR. CLARK: Tom, your time is up, and as we discussed earlier, if you want to just wrap it up. I know you had some thank-yous; you wanted to make. If you can take it to that.

MR. LILLY: Okay, thank you, John. My concern here is that unless you act people will have to feed these babies in the nearby nests themselves. If they don't, ospreys are going to begin to die out in their areas. Whenever we intervene in nature, especially with feeding babies, there are risks and unknown consequences.

There can be mistakes, even when we try our best. I guess what I'm asking you, John, I'll say I'll wrap this up is that don't put the burden of feeding these baby ospreys on the public. They will do it if they have to. It will take a lot of organization, education and dedication, but they can do it.

I've done it myself on the Wicomico River, and it's an incredible feeling when you see young ospreys on the verge of death coming back and a month later fledging and flying away. Folks, let's use preventative management here. That is what we need to help us help the Bay.

CHAIR. CLARK: Okay, Tom, thanks, you are talking about the ospreys. Now you're starting to talk about management again. Do you want to just point up your thankyou, because we have other people who would like to speak.

MR. LILLY: Okay, thank you, Mr. Chairman, thank you everybody, appreciate it.

CHAIR CLARK: Thank you, Mr. Lilly, and next up I saw we had some other hands over here. Will you please approach the public microphone. Please, introduce yourself, and then just go right ahead into your comment, thank you.

MR. BEN LANDRY: Good afternoon, Mr. Chairman, members of the Board. My name is Ben Landry, I am with Ocean Fleet Services, representing the Menhaden Reduction Fishery. As most of you probably know, I have addressed this Commission a number of times, although it has been more rare of late to come to the open microphone portion of the meetings, typically. I guess that time is filled up by people telling you how poorly a job you're doing.

But I felt that this issue is too critical of an issue to not bring up to you guys. I wrote one out to you guys for the second year in a row. The Department of Maryland Menhaden Young of Year Survey has identified that the stock has reached levels not seen in the past 35 years. In

fact, their exact phrasing is that menhaden abundance was nearly equal to last year, which was the highest measured year since 1990.

This is a message that I am not sure you are hearing, as you sit on this Board. There are many menhaden that are serving as forage to predators in the Bay and outside of the Bay. I would commend you guys for your ERP work from 2020. Secondly, it is an unusual situation, where our comments to the Chesapeake Bay Working Group, which I understand is a topic for later, not going to address it.

But we did receive a written critique from a rather high-profile individual on the issue in the supplementary material. There is not enough time in here to respond to every criticism leveled in the letter, but a formal response will be provided to each of you. But a few points are worth mentioning. The critic, an academic researcher, questioned the information.

CHAIR CLARK: Please, just wrap it up, please, Mr. Landry.

MR. LANDRY: Basically, questioned the information that USGS science has provided you in August. The utility of the information produced by the colleagues of the Cornell Lab of Ornithology. All existing bird research needs to be considered by this Commission in its decision making, and not rely on the views of one researcher. Science should rule the day at this Commission, not politics. I respectfully ask you to carefully review and consider the merits of our response to these comments. Thank you.

CHAIR CLARK: Thank you, Mr. Landry. Do we have any other commenters? Right there, walk up to the microphone, please, introduce yourself, and then you can go right into your comments.

MR. BRIAN COLLINS: Thank you for the opportunity to comment. My name is Brian Collins, I'm a concerned citizen from Virginia. Related to what we just heard, that is the typical type of discussion that confuses the matter, because when we say

there is a lot of menhaden, it's only based on the ocean surveys. But I understand, and you all can clarify later if you want, there is no survey of menhaden in the Chesapeake Bay, the quota is based on historical catch. To transfer the ocean quota measurements to the Chesapeake Bay is a leap of faith. Chesapeake Bay is a separate ecosystem, and we know that osprey nests are failing. We know the striped bass are collapsing, and we also know that ASMFC is having trouble addressing the challenges. The challenge for fixing striped bass issues ignores industrial fishing of menhaden in the Chesapeake Bay, the nursery for the majority, large majority of east coast striped bass.

It's amazing how that is omitted. I would like to know, what is the quota for the predators in the Chesapeake Bay, osprey, striped bass and the other ones, and sportfishing. There is a 112-million-pound quota for industrial fishing in the Bay, 51,000 metric tons. There is nothing set aside, there is nothing that we know that shows that there is any menhaden left after industrial fishing takes their quota.

There is no proof, there is no data, there is no research. I don't see how this Commission can endorse that without taking some type of proactive action related to it, not to mention the fact that 112,000 metric tons, 230-million pounds can be caught right at the mouth of the Chesapeake Bay, which is actually just outside the Chesapeake Bay Bridge Tunnel, which is technically in the Bay. Nothing is stopping industrial fishing from fishing them out. Thank you very much for my opportunity to comment.

CHAIR CLARK: Thank you, Mr. Collins. Do we have any other public commenters? Yes, Ma'am, walk right up to the microphone, introduce yourself, and then go right into your comment.

MS. TOMOKO HAMADA: Thank you, Chairman, and everybody. My name is Tomoko Hamada, I am a professor America of the College of

William and Mary, an organizer of Osprey Watch Alliance. We observe ethnographically every nest in our area. I am a Virginia resident, and we started warning signal in Mobjack Bay.

This year, we observed 1500 osprey nests, and among 152 pairs that successfully brooded within the mainstem area of Chesapeake Bay, more than half had only one chick, the rest of the chicks died, leaving main stem pairs of 1.1 young. This is real today. Many pairs did not lay clutches. This is the first time the first time we observed birds arrived on time, usually mid-February through early March, and they defended their nests. But they never laid eggs.

This is the first time this behavior was observed. Likely explanation is females were not able to reach the adequate preserver for body conditions required to lay eggs. As you know, males feed females the fish, and Virginia is the only east coast state that still allows menhaden reduction fishing in state waters. Menhaden are traditionally osprey's food.

In this year we know that osprey crisis extends not only Mobjack Bay, but whole middle range of Chesapeake Bay. We know that because we observed, we record and we do the data. This menhaden controversy which goes back to a long, long time, but as far as osprey watchers are concerned, it is the menhaden industrial reduction fishing versus osprey.

Atlantic States Marine Fisheries Commission has established this Working Group and we need to really pay attention to the crisis of osprey. You heard this many, many times. I recommend at least seasonal closing so that baby chicks have food to grow and leave. It's usually late February to early summer. Thank you very much.

CHAIR CLARK: Thank you, Ms. Hamada, thank you for your comment. I believe we have one more commenter online, Jim Fletcher. Please introduce yourself, and then go right into your comment, Mr. Fletcher.



MR. JAMES FLETCHER: James Fletcher; United National Fishermen's Association. I've listened carefully, but you are not addressing the case of nano plastics, microplastics and plastics blocking the gills of the larval fish and other fish. If the people that are concerned about the osprey would look, they will find out that those animals are dying from microplastic, nano plastics and plastics.

If you look at the hard crabs, the striped bass, the speckled trout. All of them are being affected by microplastics and nano plastics in the larval stages. ASMFC needs to devote a study to microplastics and nano plastics, and the eggs of the fish. It is imperative, and the simplest way to do it, and I know ASMFC does not have the authority, but is to ask each and every state to begin a project of ground applying all waste water.

Ground application or some other way that the waste water does not come into the Bay. But I'll ask you again as my time runs out, devote a group to look at the effects of nano plastics and microplastics on all of the fish, because what you don't see is when that larval fish hatches at the surface, wherever it is, the first thing he has to feed on is the plankton. But the second thing that there is nano plastics and microplastics. Thank you for your time, on behalf of the United National Fishermen's Association.

CHAIR CLARK: Thank you, Mr. Fletcher. That concludes our public comment for items that are not on the agenda.

**REVIEW UPDATE FROM WORK GROUP ON  
PRECAUTIONARY MANAGEMENT IN  
CHESAPEAKE BAY**

CHAIR CLARK: We will now move into our next item, which is to Review the Update from the Work Group on Precautionary Management in Chesapeake Bay. Before I turn it over to the Chairman, I would just like to say I had the opportunity to listen to the two.

I believe they were both three-hour sessions that the Workgroup put in, and then the Work Group put in a bunch of time after that. I just want to commend them for very good discussions and lots of great thoughts about a very complicated issue, and an issue that has great public concern, of course, so let me turn it over to the Chairman of that Group. The Work Group is ably chaired by Marty Gary of New York, so fill us in, Marty.

MR. MARTIN GARY: I appreciate the kind words. Just to bring everybody up to the same page, get everybody on the same page. At the August Board meeting a motion was made and approved to form this Work Group to address precautionary measures, the issue of precautionary management measures in Chesapeake Bay.

The Work Group was formed, and I was nominated as Chair, and I am honored to have that privilege. The Work Group met twice on September 13 and on October the 2nd. There were also two sub work groups that were formed, and they both met, a bird work group to address piscivorous birds, focusing on osprey, but also including other species such as brown pelicans and bald eagles. The second work group that worked with piscivorous fish species with the focus on striped bass, bluefish, weakfish, but also included species that have been present in the Chesapeake Bay readily in recent years, including red drum, spotted sea trout and cobia. Ideally, this Work Group would have finished its work and provided a full report, with recommendations to the Board at this meeting.

That did not happen. Not only did we not get to a final report, we did not achieve a progress report. This was partly attributable to the short amount of time we had to work with, and the complexity of the topic and the scope of that topic. As with any group there is always a chemistry component you have to resolve to get good discussions for complex issues underway.

I felt like we got there as we entered the second meeting, so I just want everybody to understand this Work Group, as you characterized, John. You sat in on those meetings. It's a complicated issue,

but the Work Group members are exemplary. We have the right members, I think, to work through these discussions.

The Work Group didn't get to specific management recommendations to bring to the Board at this time, but they did develop a problem statement. That problem statement was sent to the Board as part of your supplemental materials, and added context to the memo that accompanied it. I think staff had some slides. I would like to transition to those now if I could.

We start off with, well we'll start off with the Board task. To consider and evaluate options for further precautionary management of Chesapeake Bay menhaden fisheries, including time and area closures to be protective of piscivorous birds and fish during critical points of their life cycle. That is just to remind everybody what the Board task to this Work Group was.

Based on this task the Work Group developed a draft problem statement, and this is a more distilled version of the one that is in your memo, but essentially it boils down to, there is inadequate availability of menhaden to support overall predatory demand in the Bay. Then just as a Work Group update.

This is an interpretation of the Work Group from the task the Board gave us to develop potential management strategies to address the hypothetical problem statement, but that is the responsibility, from the view of the Work Group it is the responsibility of the Board to evaluate the validity of that statement, and determine if and when it is necessary to implement management measures.

We're viewing this as a hypothetical, and the Work Group would appreciate additional guidance from the Board, if in fact that is their intent. One other item I want to mention, because of the complexity we encountered in these discussions, and given the holidays are

coming upon us. We felt like developing a final product for the Board for the winter meeting was also going to be a challenge.

We agreed that it would be desirable if we could commit, with the intent to bring that final report back to the Board at the spring meeting. At that point I will go ahead and take questions, and I'll do my best to answer those, but certainly would lean upon my fellow members of our Work Group. I also, before we jump into that Mr. Chair. I just want to thank James for all of his hard work, he put in a lot of time working with a lot of different folks and a lot of folks from the public who are engaged and very interested in this work and these discussions. I certainly appreciate all of James hard work, so back to you Mr. Chair to open up for questions.

CHAIR CLARK: Thank you, Marty for the summary and for all the work the Work Group has put in. As you said, now we're at a point where we need more Board guidance on this, so can I see some hands who would like to start with either questions or discussion items? Allison.

DR. ALLISON COLDEN: Thank you, Marty for so eloquently presenting our work. I just wanted to reiterate, with respect to the problem statement. Myself and Spud Woodward, we had the unenviable task of being the authors, the drafters for that problem statement, after much consideration and debate by ourselves and our fellow Work Group members. I just want to state on the record that it reflects kind of a very broad interpretation, several different types of interpretations of the Board charge.

Wrapping our heads around that and drafting around that was slightly challenging, so I just wanted to provide a little bit of that context on where the problem statement landed, and hope for some great discussion and feedback from the Board through the day to help guide development of our next round of discussion. Thank you.

CHAIR CLARK: Thanks, Allison, and Spud, would you like to add anything to that?

MR. SPUD WOODWARD: Sure. One of the things we struggled with was we were asked to identify a mechanism to effect precautionary management. We felt very strongly that the more we could explicitly state the conditions that created this theorized problem, the better we could link the solutions back to a problem.

That was sort of our mindset when we were developing this, is that it was some point, and we were specifically asked about time and area closures, but that is just one of many possibilities that might be used to address this theorized inadequate supply. But I want to emphasize that, because that is really important.

It was not our charge to determine the validity or lack thereof, of whether there is an inadequate supply, it is to identify the things that could be used as a solution to an inadequate supply, and some of those are anthropogenic, some of them are not. We're dealing with a complicated situation in a changing environment, and so I hope that our problem statement accurately captures that, and that it will be the catalyst for us to move to the next step in this process.

CHAIR CLARK: Our first comment is from Dennis Abbott.

MR. DENNIS ABBOTT: A simple question to Marty. Could you refresh me as to who was on the Committee, I don't know that, and I do appreciate the work that you're doing, and I know the public is very interested. I mean it's like preaching to the choir, getting a good final result and careful result of your efforts in the future.

MR. GARY: Thank you, Dennis, I don't have a list in front of me, but I think I can reconstitute it. Going north to south, Ray Kane from Massachusetts, Rob Lafrance from Connecticut next to me, I represented New York. Joe Cimino from New Jersey, Mike Luisi, I'm sorry, take it back, Allison Colden from Maryland.

I'm so used to saying Mike or Lynn, one or the other, but it was Allison. Pat Geer from Virginia, did I miss somebody, I probably did. (Loren) I'm going to have to make that up to you, Loren, you know I will, and Loren Lustig, so thank you, Loren. Did I get Pat from Virginia, right? Pat Geer. Okay, that is why we're a big team, and Spud Woodward from Georgia. I think I got it with a little help from my friends, Dennis. Thanks.

CHAIR CLARK: Further questions, discussion. Looking around. Hold on, Mr. Zalesak, let me just wait on the Board. Did somebody have their hand raised, ah, Mr. Cimino.

MR. JOE CIMINO: Can we get the task up again, if we could? I apologize, Mr. Chair, because this is going to be a very sweeping comment. You know one of the things that Phil and others have kept pointing out is a definition of localized depletion that was presented to the peer review group that was looking at this in 2009.

One of the peer review reports from a Mr. McGuire, suggested that he certainly did not have a comfort level with that definition, that it was somewhat subjective. He says that with the same information it wouldn't consistently lead to the same conclusions. That definition doesn't just include basic ecological needs, it includes economic and social and cultural functions, which I think are obviously somewhat subjective and a challenge.

I take this task to suggest that we need to at least explore simply the ecological need. Obviously, as a Board we have a broader mandate, we have to consider the economic and social impacts. But going back to what Spud said, you know I think that this Working Group's exploration is to provide tools to this Board, you know to decide whether or not, if there is an ecological need, if there is something that can be done in preventing additional removals to something like time and area closures.

I think without question that would be a tough decision. It would be all gear types. But some of the concerns of the public, take for example the very real concern of what is happening with osprey,

is happening elsewhere. In our state of New Jersey in 2022 and 2023, nest production was not great, it was some of the lowest years ever.

We don't have a report for 2024 yet, but within Vonnegut Bay it was something like 60 percent nest failure, and they are simply not even laying eggs, with higher abundance and availability of menhaden. You know the idea that the striped bass juvenile recruitment issues are tied to this, and yet we're seeing that in every river system that we have.

I've heard weakfish mentioned, weakfish have collapsed from Massachusetts to Florida. You know I think these are much broader issues. I'm not saying that means we walk away from menhaden management and the concerns that we have in the Chesapeake Bay, but I don't think it's a simple fix.

CHAIR CLARK: Thank you, Joe, anybody else from the Board here? Lynn Fegley.

MS. LYNN FEGLEY: I really just want to thank Marty and the Work Group for taking this on, because it was not an easy charge, it is not an easy problem. I think at the end of the day, this is an exercise in examining precautionary management, and that is a difficult and divisive issue, it always is. I'll admit that when I first saw the memo, I was a bit disappointed with the problem statement, as it was written.

But I think hearing Spud's explanation made me feel better about it, and I would like to make sure that the Work Group leaves here feeling like it got the guidance it needs. In my mind this is really a scenario building exercise. We know that there is no linear one-to-one relationship here. We are asking a precautionary question.

But it does seem that what if, if the idea is to maximize the opportunity for animals such as piscivorous birds, predatory fish. If the idea is to maximize their odds, to maximize their asset to the forage they rely on, in this case

menhaden, what are some scenarios that would accomplish that? That is really as simple, and nothing is simple, but that is how it shows up in my mind. I fully understand the complications here, and I very much thank everyone, the Work Group for taking this on, and would welcome more discussion if we need to further refine the task at hand.

CHAIR CLARK: Next up we have Rob LaFrance.

MR. ROBERT LaFRANCE: Lynn, I'm really curious to hear what you feel some of the short fallings of our statement are. I think that is exactly what we're trying to do at this point in time, is we put together a problem statement and we're back here with the Board to see if we're on the right direction. It's a complicated issue. I think the fact that we broke it into two specific working groups, one on birds, one on fish was really helpful.

But when you start to dig into those things, you really find there is an abundance of information, there is abundance of data. It's a big area with a lot, we were there last night, it's an amazing place. I think what I'm hopeful today what we get from this Board meeting is some direction, some additional direction. Some of the things that you feel might be shortcomings of the report. I'll just leave it at that for this time.

CHAIR CLARK: I've got Russel and then Jeff Kaelin. Go ahead, Mr. Dize.

MR. H. RUSSEL DIZE: I feel much better about this since Marty said who was on the Committee. I have faith in all the Board members that he named, and I'm sure they will come up with a solution. The problem in Maryland this year was we had 0 menhaden. We didn't have enough menhaden for our crab potters to get crab bait.

Crab bait that they had to buy came out of Maine. That is a problem. I'm sure you will work to find out why. We don't know why. Spud said, it could be environmental, you know, I don't know. The point is, we had no menhaden in Maryland. I think Virginia had menhaden; I think the first boat did all

right in Virginia. We had none. But we have fixed-gear net in Maryland, we have pound nets. They don't move. If they don't come to it, you don't catch it. Like I said, I've got faith in Marty, I've got faith in this group, and I'm sure they will come up with some ideas. Along the way, think about small closure, like don't open the season and purse net until the end of June, allow some of them to come up the Bay. I'm probably sounding like I'm covetous of the menhaden for Maryland, and I am. I represent fishermen, I am a fisherman.

We need menhaden. We had an abundance of dolphin in our area this year, because we've got billions of little spot, maybe four inches long, three inches long. We think that is what they were feeding on, but we had all the way to the head of Miles River, and some of these small rivers, we had dolphin. They didn't have the menhaden to chase, so they were chasing other fish. Anyway, I feel good about this Committee. Thank you very much.

CHAIR CLARK: Next up we have Jeff Kaelin.

MR. JEFF KAE LIN: You know I've been around the menhaden fishery for a long time, I've been going to menhaden meetings for probably 30 years with most of you around the table as an advisor. A couple of things I just wanted to point out. If you look on our website for menhaden, you'll see that the result of our assessment, which was probably one of the most data rich assessments on the east coast, maybe even the United States.

It projects that there is over 4 million metric tons of Atlantic menhaden in the ecosystem, beyond and after the quotas are provided through the fisheries, which are a fraction of what they've been historically. It's a coastwide managed fishery, as we all know. As far as localized depletion goes, as Joe points out, 2009 or whenever this was discussed with the peer review, we were all there, many of us were there.

Localized depletion was just determined to be something that is too subjective to be a real scientific fact. In fact, we took that same argument to the federal courts after the New England Fishery Management Council and National Marine Fisheries service created time and area closures for the midwater trawlers, only the midwater trawlers, in that fishery.

The federal judge determined that the localized depletion arguments that were being made to support those closures had no relationship to the science whatsoever, it was not justified in any way, shape or form. This was an amendment that took three or four years to establish. There are a couple of ways to look at these issues.

I live in Cape May, and I live on the canal there. We have the eagles there; we have ospreys there. The ospreys that I have there didn't hatch, they didn't fledge this year. We had a problem with the menhaden fishery the last two years there, because there has been a big wedge of cold water from the Labrador current that has been down on the shelf over the last couple years.

We never started taking menhaden a year ago until August, because the water was so cold. You know there is a lot of reasons here why things aren't perfect in every single square mile of the coast. But the evidence that we have, the science that we have in front of us is, you know that these animals should be able to survive, and if they don't, there could be a lot of competition. Again, I don't remember seeing brown pelicans in Cape May before the last couple of years, so lots of things are changing. It's easy to blame a particular group of fishermen who are working under a quota that has been established under, again one of the most conservative and a data rich assessment on the east coast. I think we've got to look a little further than that, and I'm glad that we're going to examine some ecological issues with the Work Group over time. I think that is extremely important, and I commend their work as well.

CHAIR CLARK: Next up we have Allison Colden.

DR. COLDEN: I think the Board discussion thus far has been very reflective of some of the conversations that we had in the Work Group, which is not surprising. But also, you all can see how, given so many unknowns both with menhaden populations as they exist in the Chesapeake Bay, as well as environmental conditions.

On top of environmental conditions continuing to change, we get into a situation where there is so many unknowns that it is hard to pin down or move in a direction of coming up with some of these options. My thought, and the way that I've been approaching this, and have discussed with the Work Group is, all of these changes are not necessarily things that we can quantify.

But they are the context in which this Board has to make decisions about the menhaden fisheries, about the future of ecosystem management for menhaden. I believe if it is taken in that regard as context by which we need to guide our policy and decision making, because at this point it is policy, more so than having specific silver bullets to nail down mechanisms, causes, interrelationships.

If we are to take this as context for management or policy moving forward, I think that that significantly simplifies and clarifies some of the tasks that the Work Group has been putting forward. I just wanted to put that out there as my interpretation, to see if that resonates with folks, because I think that that makes the path forward a lot easier, but I think you all can see now some of the arguments and some of the issues and unknowns that make this a complicated conversation.

CHAIR CLARK: Thank you, Allison, it certainly is a complicated issue. That is your suggestion for the Work Group's path forward. Are there further comments from the Board here? Joe Cimino.

MR. CIMINO: There is one other thing that I was thinking of that in particular I mentioned

that I took this very much as a biological ecological issue. Again, going back to the three peer reviewers from 2009 looking at this issue. Dr. Malcolm Hadden said that food limitation of predators may occur in the future in the Chesapeake Bay, there is very weak evidence at the present.

There was one peer reviewer that looking at the data presented to them didn't think it was happening. He referred to it as the primary issue is more one of allocation rather than localized depletion, and allocation issues can not be solved scientifically. I think if this Board does want to consider not just all removals, but only removals from one specific gear type, then that is an allocation issue. I don't think that is the charge of this Work Group, at least not in my mind, and certainly not the motion that I voted for. If that is going to be a future consideration, I think that needs to be a whole new Board discussion.

CHAIR CLARK: As everything that we've heard so far points out, this is a very complicated issue and there are lots of policy complications also. Further comments or guidance from the Board for the Work Group? David Borden.

MR. DAVID V. BORDEN: Quick question. Will we get a briefing at the next meeting on status report on this? I know there is a formal report that is going to be due in the spring, but will we get a briefing on it?

CHAIR CLARK: Do you want to answer that, James? Looks like Toni wants to answer it.

MS. TONI KERNS: I guess I don't anticipate we'll need a Menhaden Board meeting in the winter if this is the only thing that we would be doing, and this Work Group has sort of suggested that they don't want to provide an interim report, because they won't have as much done yet. We could give an update during Policy Board, but I don't think we would do it during Menhaden Board, because I don't think we'll need one.

CHAIR CLARK: Okay, are there further comments from the Board? For the Work Group, have you

gotten much guidance? I know that it seems about as clear as mud still. I'll be glad to just be listening and not being part of it. Marty, do you have anything specific that you would like to get further?

MR. GARY: I know that we have our Work Group members here and we've all discussed offline and at this meeting here in Annapolis. I just look to them. I know we've already taken upon ourselves to try to seek out data from like for instance ChesMMAP to solve some of the fish predation issues, and we're still working through a lot of the bird data.

We have plenty of work we can create on our own, but I would say maybe I'll turn it back to my fellow Work Group members for one last call if things aren't specific enough. I know Allison and Spud have spoken up. But it looks like Pat will weigh in.

CHAIR CLARK: Go right ahead, Pat.

MR. PAT GEER: I guess this goes out to my fellow Work Group members, but I'm wondering if there would be a benefit of having somebody who is on the ERP sit on this Work Group, so that we're not going down a path that they've already gone down or have already considered.

CHAIR CLARK: I guess we could find that out. Can I turn that over to you, Katie?

DR. KATIE DREW: I mean, obviously the ERP group is working on the stock assessment right now, so any time that takes them on this Work Group is less time that they can spend on ERP assessment. But I think we could potentially look into at least people joining the call to provide some context or help answer questions about what you guys have done or need to do that we're doing to avoid some overlap in that issue. I don't want to commit anyone specific or to a full participation as a Work Group member, but I think we could arrange some consultation for sure.

MR. GEER: Yes, mainly we're just, no, we've already done that. Then point us in the right direction to get that information. That's all.

CHAIR CLARK: Thanks, Pat, thanks, Katie, anybody else from the Work Group? There is Marty.

MR. GARY: There is one other item I omitted, I think, in my notes. We had a discussion about the potential to possibly need to reach out to the TC for some items, but also understanding that if I have my facts correct that the ERP and single-species assessment is due next year, that that could potentially impact the delivery of that. I'm not 100 percent sure I had that right, Katie, but I just wanted the Board to be aware, if we do need to answer some of these questions and engage with the TC, there may be some complications.

CHAIR CLARK: Thanks, Marty, well this really is a dilly of a pickle. Okay, go right ahead, Rob.

MR. LaFRANCE: I just wanted to sort of follow behind what Pat said. I think getting the data, knowing the data that we're looking at and putting it in a format that is going to be helpful to the modelers and statisticians to better understand it is really helpful. I think the other thing we're looking at is, what is the information that we're able to get that can help us make recommendations.

But that same information could be beneficial to whatever stock assessment models that we're looking at. I think that from an efficiency perspective, something we want to do. I also think that the data themselves are complicated, and so having availability to other scientists within our states who are knowledgeable about fishery issues would be really helpful, particularly as we look at bird/fish interactions.

CHAIR CLARK: Anybody else on the Board here? I see you both in the audience there, and just want to make sure we've exhausted our discussion here at Board. Anybody online? Okay, no Board members are online. Last call for the Board, and then we do have time for a couple of public comments.

But hold on a second, Mr. Lilly, I just want a once, twice, going three times. We're going to take some public comment now on this specific issue that I know you and Mr. Zalesak would very much like to speak on. Once again, even though you've been here before, state your name again before you start speaking, Mr. Lilly.

MR. LILLY: To the point, I understand kicking the can down the road, but why do you have to kick it all the way down to the spring meeting? If something happens at the spring meeting you have to watch an addendum, it's much too late for this year and you all know it. You have a winter meeting coming up in January, I guess what is it, three complete full months to do their job. All the statistics are well known. The only chance Chesapeake Bay has is for these options to come in front of this Board at the winter meeting, not the spring meeting. I beseech you, don't kick this down the road another year. The Chesapeake Bay can't take it. The people of the Bay can't, the watermen, the ospreys. Everything that lives in the Chesapeake Bay depends on your decision today. Don't kick down the can to the next meeting. The winter meeting, not the spring meeting. Thank you.

CHAIR CLARK: Thank you, Mr. Lilly, and just to reiterate. As a Board we need the science to work on, we can't just act by our desire.

MR. LILLY: You have the science the ERP science too. The two indicated species are in dire trouble, and that is your science. Respectfully, Chairman Clark, you have all the science you need.

CHAIR CLARK: Well, it's putting everything together and turning it into policy. Thank you, Mr. Lilly and next up we have Mr. Zalesak.

MR. ZALESAK: I believe he brought up science, because let's clear something up. This was sent to me by one of the Save Our Menhaden Coalition members. It says, Dr. Jerry Ault, the internationally renowned forage fish expert and

ecosystem modeler has found fundamental flaws in the basis of the menhaden stock assessment.

The Liljestrand Team is issuing a correlation on this modeling error, which is the basis for the current total allowable catch, and he's stating that the mortality rate is off by 2.5, which means the Atlantic menhaden are dying two and a half times more than people think, so that is to clear up one thing. That's one point I would like to make.

Now, you don't have to make this complicated. You could make this simple and actually report out this in the winter, or worse case this spring, and I'll tell you why. Limit the scope of the fishery investigation to striped bass, bluefish and weakfish in accordance with the ERP. Throwing all these other fisheries into it is just muddying up the water.

Limit the scope of bird study to osprey, which nests in the main stem of the Chesapeake Bay, not all osprey, not all birds, it doesn't make any sense. Limit it, and request the final report by the spring of 2025 at the Atlantic States Marine Fisheries Commission meeting. Here is the other thing. The e-mail that I sent you, Mr. Chairman, last Friday, has a format of how you should present your data.

I was a flight test engineer in the past, I used to do tests and evaluation and modifications to aircraft. I've given you a format which you could use, and it would address each one of the questions which you gentlemen had here. The science is wrong that you're using. You don't need to look at the canals on Mars, you need to look at what is pertinent to the problem at hand, and I thank you for your time.

CHAIR CLARK: Thank you, Mr. Zalesak, and Sir, just come up to the microphone, introduce yourself, and then state your comment.

MR. COLLINS: Thank you, my name is Brian Collins from Virginia. I think it is important for ASMFC to make it clear to the public, who is very distraught by the osprey failures that there won't be any change next year, it will be the same catch that, if I understand it right, in the spring you all will have a problem post here.



The other thing that is very worrisome and it's contributing to the probably impossibility of coming up with an answer is, you don't have any data on how many menhaden are left in the Bay after industrial fishing takes their share. If you talk to fishermen they'll tell you, they don't see any. The osprey and striped bass are failing.

It seems like what is needed is instead of just using historical catch, this reference to ocean stock is, pardon the reference, it's a red herring. It's like it's a distraction. The ocean is a separate ecosystem from the Chesapeake Bay, and it appears that the Board members on ASMFC don't get it.

I think the public does, and they feel like something is terribly wrong. I hope that we can get on track and find a way to monitor the stock of menhaden that are in the Chesapeake Bay, so that we can assure that there is availability for striped bass, osprey, sport fishermen and the rest of the predators. Thank you for the opportunity to comment.

CHAIR CLARK: Thank you, Mr. Collins, is there anybody else in the room that wanted to make a comment? Not seeing one, oh we have somebody online, James? Okay, we have Pete Aarrestad that would like to make comment. Go right ahead, Mr. Aarrestad. All right, very good. Any last comments on this issue from the Board? Excuse me, I didn't see you, Sir. Okay, would you come up to the public microphone, state your name and then go ahead and make your comment.

MR. RICK HERNDON: My name is Rick Herndon; I live in southern Maryland. I live close to a highway that serves a lot of Chesapeake Bay and Potomac River. I've listened to people talk about this, and I really don't get it. There is only one reason the menhaden are disappearing from the Chesapeake Bay, and that is the reduction fishery.

It's not complicated, the menhaden are a food for the many fish and birds. It's not complicated. There is plenty of menhaden in the ocean, and what we would ask is that you

would ask the reduction fishery to fish in the ocean and not in the Bay. Currently, they fish in the Bay until they cannot catch anymore menhaden, and you can follow this by the reported catchings that are online where they catch the fish.

When the season opens, they catch the fish in the Bay, when they can't catch anymore, they move into the ocean. If you want to make this difficult, I mean you can't, it's not difficult. There is only one reason the menhaden are not coming into the Bay, and that is because they are being caught right at the mouth and just inside the mouth of the Bay. I thank you very much.

CHAIR CLARK: Thank you, Mr. Herndon. Do we have anybody else from the public that would like to make comment? I do not see one. I think I speak for the Board when I can say to those of you that have commented from the public that we greatly appreciate your concerns, and we are, as I think you've heard here, we are trying to address these concerns, and I realize we are not moving as fast as you would like, but we are moving, and we have heard you and once again, I know this is a sacrifice you make to come here to make these comments, and it is greatly appreciated. Thank you.

With that we will move on to our next agenda item, which is Progress Update on the 2025 Ecological Reference Points Benchmark Stock Assessment, and that will be from Katie Drew. What happened? Oh, son of a diddly. Okay, I missed that.

#### **CONSIDER APPROVAL OF FMP REVIEW AND STATE COMPLIANCE FOR THE 2023 FISHING YEAR**

CHAIR CLARK: Okay, the next item is Consider Approval of Fishery Management Plan Review and State Compliance for the 2023 Fishing Year. I should wear glasses, I think.

MR. JAMES BOYLE IV: I'll jump right in. Here is a quick overview of the presentation. I'll just start with a reminder of the status of the stock in the FMP, before providing the 2023 landings and monitoring information. In 2023 the fishery

operated under Amendment 3, it was also the first year that Addendum I to Amendment 3 was implemented, after being approved at the end of 2022, which made changes to the coastwide allocations and the incidental catch and small-scale fishery provisions.

Also new this year, the total allowable catch or TAC for the 2023 to 2025 fishing seasons were set at 233,550 metric tons, based on the Board approved ERPs. Based on the 2022 single species stock assessment update, fishing mortality is below both the ERP target and threshold and fecundity is above both the ERP targets and threshold.

Therefore, the stock is not overfished and overfishing is not occurring. A new single-species assessment update and benchmark ERP assessment are scheduled to be presented to the Board in the fall of 2025. Moving on to 2023 landings, the total commercial Atlantic menhaden landings in 2023, including directed and episodic event set aside landings are estimated at 166,844 metric tons, or about 367.8 million pounds, which is approximately a 15 percent decrease relative to 2022, and is about 71 percent of the TAC.

There were no reported landings out of the incidental catch and small-scale fisheries provision. There was an overage in Maine incurred of about 807,416 pounds, which was deducted from their 2024 quota. The 2023 harvest for the reduction fishery is estimated at 117,019 metric tons, or about 258 million pounds, which is a 13 percent decrease in 2022 and 15 percent below the previous five-year average, which is about 303 million pounds.

As far as the Chesapeake Bay reduction fishery cap, the reported reduction landings in the Bay were less than 40,000 metric tons, which is under the cap of 51,000 metric tons. This figure shows landings from the reduction and Bay sectors through time, with 2023 added. The reduction landings correspond to the left-hand access and bait landings to the right.

Please note the different scales. The reduction landings are an order of magnitude larger than the bait landings. Despite the decline last year, generally the trend continues to show a decline in reduction landings overall and an increase in the variable bait landings. As previously mentioned, there were no incidental catch/small-scale fishery landings in 2023. The PRT made a particular note of this significant decrease, given that one of the purposes of the commercial allocation changes in Addendum I was to reduce the landings under this provision. Maine was the only participating state in the episodic event set aside program and landed 1,274 metric tons, or about 2.8 million pounds, which is a 36 percent decrease from 2022, and 55 percent of the set aside.

However, 185,538 pounds of that total were reported after the remaining set aside was redistributed to the states, which created an overage. Quota transfers in 2023 and 2024 covered that overage, therefore there was no deduction from the 2024 set aside. There were five state to state quota transfers in 2023, a decrease from '24 and 2022. Similar to the incidental catch landings the PRT made to do a note of the significant decrease, given that another goal of the commercial allocation changes in Addendum I was to reduce the need for quota transfers.

For biological monitoring, non de minimis states are required to conduct biological sampling based on their bait landings, as well as their geographic region. From Maine to Delaware, they are required to take one 10 fish sample per 300 metric tons of bait landing. From Maryland to North Carolina, it is one 10 fish sample per 200 metric tons. In 2023 Connecticut was not able to collect their required samples, but did note the fishery independent samples from the Long Island Sound Trawl Survey collected 108 and 525 length samples over 158 tows. In previous years the PRT has had discussions about the sampling requirement, and particularly substituting fishery independent samples, but makes no further recommendations at the Stock Assessment Subcommittee is already reviewing this requirement as part of the single-species stock assessment.

Pennsylvania, South Carolina, Georgia and Florida continue to request *de minimis* status and all qualify based on their commercial landings, same as last year. With that the action for the Board to consider today are to approve the 2023 FMP Review, state compliance reports, and *de minimis* requests. With that I am happy to take any questions.

CHAIR CLARK: Any questions for James? Not seeing any. There is a question online? Okay, no questions online either. All right then, I believe we probably have a motion ready for this, because this is an action item, and in that case, we will need somebody to make the motion. We have Doug Grout.

MR. DOUGLAS E. GROUT: **I move to approve the Fisheries Management Plan Review, state compliance reports, and *de minimis* requests for Pennsylvania, South Carolina, Georgia and Florida for Atlantic Menhaden for the 2023 fishing year.**

CHAIR CLARK: Thank you, Doug, and second, we have Jim Gilmore. I'm guessing we don't need any discussion of this item. Are there any objections to approval of this motion? Not seeing any, **the motion is approved by consent.** Okay, thank you. That concludes Item Number 4.

#### **PROGRESS UPDATE ON 2025 ECOLOGICAL REFERENCE POINT BENCHMARK STOCK ASSESSMENT**

CHAIR CLARK: Now we move on to the Progress Update on 2025 Ecological Reference Point Benchmark Stock Assessment, and go right ahead, Katie. Thank you.

DR. DREW: This will be fairly brief, but I just wanted to remind the Board about our assessment timeline, since that did come up. We have progressed through this timeline, and our current next milestone is the Methods Workshop 2, which will be held in person the week of November 4th in Arlington, Virginia,

and that will cover several items, which I'm going to talk about in more detail. But that will be held in person the week after next, and we are then scheduled to have an Assessment Work Shop in February to March.

We haven't set the exact date, but we'll decide on that once we see the progress we make at this modeling work shop, the Methods Workshop, with the goal of having this be peer reviewed in August 2025 through the SEDAR process, so that it can be presented to the Board at our annual meeting in October of next year.

At the Methods Workshop 2 we'll be reviewing the results of the single species assessment update, and reviewing progress on ecosystem model development, as well as discussing model comparison criteria and some of the ERP scenarios that we would like to incorporate as we continue the model development.

The other major item which may be of interest to the Board and/or the public is developing a plan to address this M question. As has been brought up before, Dr. Ault and his colleagues reanalyzed the historical menhaden tagging data and estimated an M that was lower than we use for the single species assessment.

However, the SAS is not really going to be able to resolve the discrepancies between the estimate that Ault et al are getting and the estimate that Liljestrand et al got. They have not been able to make a recommendation on what the preferred M is. They are noting that there are differences in number one, the effort time series that is used in this model.

The fishing effort helps estimate some of the migration weights as well as basically helping to separate out how much of the fish disappearing is natural mortality and how much of it is fishing mortality? Liljestrand et al were able to have access to a confidential dataset of effort that was more spatially explicit.

Ault et al was not able to get that confidential data, and so reconstructed an effort time series from data that were available. But obviously there are discrepancies there. In addition, the two datasets that are used are slightly different, so they are both based on that historical tagging dataset that was reported in Coston, where those results of the tags and the recaptures were summarized for a monthly level, which Liljestrand et al used.

A secondary dataset was developed from the original paper historical records that were re-digitized several year ago. However, Liljestrand et al found that when they examined that dataset, although it was more fine scale, in terms of the available data of tags and recaptures that were recorded, it was missing a number of batches of tags that were reported in the Coston dataset, so it appears that the paper records that were digitized through this process were not the complete Coston dataset.

As a result, Liljestrand et al used the Coston dataset, which they felt was more complete, but was summarized to a more generalized level. Ault et al used the finer scaled data, which appeared to be missing some of the batches of tags that were released. Both of these things may be contributing to the different estimates of natural mortality that we are getting out, and the Technical Committee and the SAS would like to dig more into this issue overall, and come up with a firm recommendation on which M to use, or what the best estimate of M used in this assessment is.

As a note, changing the estimate of M is part of ASMFCs per those guidelines for a benchmark assessment, that is changing the estimate of M requires a benchmark assessment. At this point, we're going to have the final decision on M peer reviewed through the ERP benchmark. The ERP benchmark does include a TOR.

TOR Number 1 is to review and evaluate the fisheries dependent and fishery independent

data use in the Atlantic Menhaden Single Species Assessment and the other ERP species assessment, and then justify the inclusion, elimination or modification of these datasets. The change in natural mortality would be the only change that we would be making to the single species assessment.

We feel that we could be peer reviewed through the ERP benchmark process, so that we can have this specific issue resolved and then peer reviewed, and ready to go as part of the management advice that we provide in October. That is all that I have on what is coming up, and I am happy to take any questions.

CHAIR CLARK: Thanks, Katie. Before we take questions, would you just quickly explain the implications of the changing M, just so it is on the record so people know.

DR. DREW: With these models, using a higher M will result in a higher estimate of biomass or abundance of menhaden in the single species assessment model. If the M that we are using is too high, then we will be overestimating the population size of menhaden. The overall trends will be the same. In general, the M is really just a scaler.

I think when we've looked at this in the past with the single-specie assessment, it did not change stock status relative to the single species reference points. However, this assessment does feed into that ERP reference point assessment, and I don't think we have a good grasp on what the implications will be for the ERP reference points themselves. While definitely the scale of the population will change, I don't think it's clear to us how that will affect our perception of the stock status from an ecological perspective.

CHAIR CLARK: Thanks, Katie, and with that we'll move right to questions. I think I saw Allison. Go right ahead.

DR. COLDEN: Thank you for the update, Katie. Just two clarifying questions related to the natural mortality issue. Could you remind us about the timing of the ERP benchmark.

DR. DREW: Yes, that was the original table that we just presented is going to be peer reviewed in August, and then the results will be presented to the Board at the October meeting. The assessment, the single species will come along with that the whole way.

DR. COLDEN: Okay, thank you. Then when we, I think the last time we discussed this as a Board, there was the thought that the group would be just doing some sensitivity runs with respect to natural mortality. Should we expect, based on this conversation and the additional Methods Workshop, that you all will be exploring things beyond just sensitivity runs, with respect to the natural mortality rates?

DR. DREW: Yes, I think we, well there is the potential that after reviewing the available datasets and various studies, if the SAS recommends changing the natural mortality rates, then we would provide a fully new model as the base model. There would be still sensitivity runs to explain the effects of this change.

If after reviewing it the SAS feels that the Liljestrand method or estimate is the best available science, then we would go forward with that, but we would include those additional runs with the lower estimate of M, and have all of that signed off on by the peer review panel.

CHAIR CLARK: We have a question from Emerson. Go right ahead.

MR. EMERSON C. HASBROUCK: Thank you, Katie. I understand you have to fill a value ending with a discrepancy in M, but if M actually or might be lower, wouldn't there be a retrospective in the prior benchmark, or maybe the single species or the ecological reference points you don't want a retrospective?

DR. DREW: We do for the single species assessment, and there is a retrospective pattern, but I would say it's not as bad as some

we've seen in other species. I don't think the pattern that we see is enough to have flagged that as a potential concern. I think we would say that is maybe not a diagnostic one way or the other necessarily, as to which is superior.

Certainly, we would be looking at the retrospective pattern as a potential diagnostic, as we compare the runs with these different estimates of natural mortality. But if not, the pattern that we see is not significant enough to have caused that level of concern.

CHAIR CLARK: Any further questions? Yes, Rob LaFrance.

MR. LaFRANCE: Not a question but a comment. I want to thank you, Katie, for being able to get this done in a timeframe before a complicated work. The fact that we're going to get something back peer reviewed hopefully by November 2025. I think that is outstanding, and I just want to thank you.

CHAIR CLARK: That is certainly the case. Nothing simple about menhaden and greatly appreciate all the work that goes into that. Any further questions or comments? Okay, seeing none, that concludes that item. Then we're moving on to Item Number 7, which is Elect a Vice-Chair. Let me recognize Mr. Mel Bell of South Carolina for this.

MR. MEL BELL: I would **move to elect Joe Cimino as Vice-Chair of the Atlantic Menhaden Management Board.**

CHAIR CLARK: Do we have a second? Yes, we do. Ray Kane. **Any discussion on this motion? Seeing none;** like you don't have enough to do, Joe. We are glad to have you on as the Vice Chair of this Board. Okay that concludes Item Number 7.

#### **OTHER BUSINESS/ADJOURNMENT**

Is there any other business to come before the Board?

Not seeing any; just before we finish up, just once again I wanted to thank James and the Work Group

for all their work on this, it's a very difficult problem and once again thanks to Katie and the Stock Assessment Committee the ERP Committee. This is a heck of a lot of work that has gone into this, and great job. Okay, do we have any objection to adjourning? Seeing none then we are adjourned.

(Whereupon the meeting adjourned at 3:45 p.m. on October 22, 2024)