

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

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

August 7, 2025

Approved October 28, 2025

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1. **Approval of agenda** by consent (Page 1).
2. **Approval of Proceedings of May 7, 2025** by consent (Page 1).
3. **Move to task a Plan Development Team to develop options for distributing harvest of the Chesapeake Bay reduction cap more evenly throughout the Chesapeake Bay reduction season in order to mitigate potential effort bottlenecks that may be impacting other Bay small scale fisheries as well as the Bay ecosystem. The intent is for a draft document to come to the board at the 2026 Winter Meeting** (Page 12). Motion by Lynn Fegley; second by Mel Bell. Motion passes (Page 13).
4. **Move to adjourn** by consent (Page 15).

ATTENDANCE

Board Members

Megan Ware, ME, proxy for Carl Wilson (ME)	Loren Lustig, PA (GA)
Rep. Allison Hepler, ME (LA)	John Clark, DE (AA)
Renee Zobel, NH, Administrative Proxy	Roy Miller, DE (GA)
Doug Grout, NH (GA)	Lynn Fegley, MD (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Russel Dize, MD (GA)
Nichola Meserve, MA, proxy for D. McKiernan (AA)	Allison Colden, MD, proxy for Del. Stein (LA)
Raymond Kane, MA (GA)	Pat Geer, VA, proxy for J. Green (AA)
Nicole Lengyel Costa, RI, proxy for J. McNamee (AA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
David Borden, RI (GA)	Ben Dyar, SC, proxy for B. Keppler (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Malcolm Rhodes, SC (GA)
Matthew Gates, CT, proxy for J. Davis (AA)	Mel Bell, SC, proxy for Sen. Cromer (LA)
Bill Hyatt, CT (GA)	Doug Haymans, GA (AA)
Robert LaFrance, CT proxy for Rep. Gresko, CT (LA)	Spud Woodward, GA (GA)
Marty Gary, NY (AA)	Erika Burgess, FL, proxy for J. McCawley (AA)
Emerson Hasbrouck, NY (GA)	Gary Jennings, FL (AA)
Joe Cimino, NJ (AA)	Ron Owens, PRFC
Jeff Kaelin, NJ (GA)	Rick Jacobson, US FWS
Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)	Max Appelman, NMFS
Kris Kuhn, PA, proxy for T. Schaeffer (AA)	

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

Ex-Officio Members

Caitlin Craig, Technical Committee Chair

David Bailey, Law Enforcement Committee Rep.

Staff

Bob Beal

Caitlin Starks

Jeff Kipp

Toni Kerns

Emilie Franke

Samara Nehemiah

Tina Berger

Tracy Bauer

Jainita Patel

Madeline Musante

Chelsea Tuohy

James Boyle

Katie Drew

The Atlantic Menhaden Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, via hybrid meeting, in-person and webinar; Thursday, August 7, 2025, and was called to order at 8:30 a.m. by Chair John Clark.

CALL TO ORDER

CHAIR JOHN CLARK: Good morning, and welcome to this meeting of the Atlantic Menhaden Management Board. The meeting is now in session. Chairing is John Clark; Administrative Commissioner for Delaware, and I'm joined up here at the front table by, well remotely actually, by our Law Enforcement Committee representative David Bailey.

Then from ASMFC we have Plan Coordinator James Boyle and Stock Assessment Committee Chair Katie Drew here.

APPROVAL OF AGENDA

CHAIR CLARK: With that we'll go right to the consent agenda. Are there any revisions to the agenda? Seeing none; the agenda is approved as written.

APPROVAL OF PROCEEDINGS

CHAIR CLARK: Are there any revisions to the proceedings from the May 2025 meeting? Seeing none there; that is approved. Now we'll move on to public comments, and once again this is public comments for items not on the agenda. Do we have?

MS. TONI KERNS: Just really quick, John. As I've done the rest earlier in the week, I just wanted to note that Chris Batsavage and Renee Zobel are online, and I apologize if I've missed any other commissioners that are online.

CHAIR CLARK: Right, forgot that was a new thing we have to make part of the routine.

PUBLIC COMMENT

CHAIR CLARK: For public comment for items not on the agenda. We will try to take some public comments. I know people are very interested in our next agenda item. We'll try to take some comments on that. We only have an hour today, so we will see what we can do. Any public comments for items not on the agenda? Okay.

Anybody in the room want to raise their hand, if they have an item that is not on the agenda? I see, is it for an item not on the agenda, Tom? Because if it is on the agenda, we'll try to get you in at that point. Ma'am, is your item not on the agenda? About the osprey, go right ahead. Step up to the public microphone, state your name, and if you represent an organization. Then you'll have two minutes for your comment.

MS. ROBERTA KELLAM: My name is Roberta Kellam, and I live in Franktown, Virginia, which is in North Hampton County on the southern tip of the Delmarva. I drove four hours to get here from the east south shore of Virginia, so that I could give you my first-hand account of the devastation of the osprey population in the Chesapeake Bay on the eastern shore, 2025 has been the worst year ever. For the eastern shore reproductive rate it was only 0.42, which is far less than the 1.1 needed for a sustainable population. In my Creek, which is Nassawadox Creek, we have 22 pairs, and we only fledged six young.

What I really wanted to do is just ask that you see this for yourself, because I don't think that the data really adequately explains what is going on. In like the third week of April, we go out there and there are pairs at the nests. There are females on the eggs. It looks like a thriving ecosystem with, you know fishing.

In the third week of May it is like devastation, it's like a bomb hit and there are eggs abandoned in almost every nest that either or the chicks abandoned, dead chicks no adult osprey anywhere. No adult bald eagles anywhere either. If it were

bald eagles predating, obviously you would not see dead chicks in the nest.

What I really am asking is that you take some action. The ecosystem is extremely stressed. Something is going on with the Bay ecosystem that needs to be addressed. The menhaden are not coming into the Bay, but neither are any other fish that could be a substitute fish. I really ask that you take an action to relieve the stress on the Chesapeake Bay, and also that you send your scientists down to the eastern shores to see this for yourself. Thank you.

CHAIR CLARK: Thank you, Ms. Kellam. Next up, Tom, did you have an item that is not on the agenda? Okay, next up, I already said your name, but please, state your name again, Tom.

MR. TOM LILLY: My name is Tom Lilly. Ladies and Gentlemen of the Menhaden Board, I'm from Whitehaven, Maryland. You know I've been coming here, as many of you know, for about six years now. I probably attended, let's say 24 meetings. From our point of view, nothing has really happened to protect Chesapeake Bay menhaden during that period of time.

I hate to say that but it's the brutal truth, and so many of my colleagues, who you don't see here today, have been here for many of those years standing beside me. Anyway, the Work Group report on protective options gave you a very solid, fact-based report in May. Action as you know, oh every one of you know, was to take place before you at that meeting in May.

But somehow, you bowed to some influence, which I frankly can't understand, and at that meeting, actually not one single option was discussed, and now this today. I'm afraid history with this Board is about ready to repeat itself. Twenty-one years ago, from the period of 2004 through 2009, this Board studied the poor condition of Chesapeake Bay wildlife, and its connection to menhaden, and nothing was done.

At the conclusion of that, Dr. McGuire was hired as your consultant, as you know. He looked the situation over to advise you, and he recommended that you do time and area studies to control that intense factory fishing, and nothing was done. But in the meantime, most of you states that are affected by Maryland, you went ahead and took action to protect yourselves, didn't you? You kept that factory fishing out of your Bay's rivers and off your coast. Then we had the.

CHAIR CLARK: Thanks, Tom, please wrap it up. Thank you.

MR. LILLY: Okay, so the Chesapeake Bay is the largest estuary in the United States, and it is probably the most mistreated. When its food supply is exported to Canada, destroying our American jobs, our American businesses and our wildlife. The situation was bad.

CHAIR CLARK: Thanks Tom, please, wrap it up, we've got a lot to do and we don't have a lot of time. One more sentence.

MR. LILLY: Thank you, John. Just one other comment. The situation was very bad when I started here six years ago. It is probably 100% worse. Please, one of you stand up for Chesapeake Bay at this meeting, and ask that these protective options be acted on now. It's been one year.

CHAIR CLARK: Thank you, Mr. Lilly, that's enough, thank you. We have another commenter in the audience here, I believe. Yes, Sir, come on up to the microphone. Please, give your name and your affiliation.

MR. BEN LANDRY: Hi there, Mr. Chairman, my name is Ben Landry, I work for Ocean Harvesters, the menhaden industry operating out of Virginia. I wasn't planning on speaking today, but I did want to just let you all know that what you just heard from the previous commenter is false. You guys should know it. There is no overfishing occurring of Atlantic menhaden, that is according to the best available science.

There are no foreign boats operating in either the Gulf or the Atlantic Coast. Every employee is an American, period. Please, understand that. I am sick and tired of hearing that everywhere we go, that it is a foreign company. People around this table have said that, it is demonstrably false. We get harassed constantly out at sea by recreational anglers.

I've had to report that to folks in New Jersey, Virginia, every state that we operate off of the coast of New Jersey, New York as well. It is unfair, this is a healthy fishery, according to your work, and this is a U.S. company. If you make any decisions based on the false information you've been provided, please understand that you should consult ASMFC leadership and the senior scientist here that it is a healthy stock.

I understand that a new assessment is underway, you're going to get results on that today. But I just can't let these misstatements and distortions constantly go on. I would appreciate it if the Commission itself made sure that false information wasn't provided during public comment. I've had that conversation before. But I think that would be helpful, because there are 45 of you guys around the table, and I don't want there to be any misinformation being shared, so thank you.

CHAIR CLARK: Thank you, Mr. Landry, thanks for your comments. Anybody else in the audience? I see another hand raised there. We'll take one more from the audience, then we have two online. Sir, if you could just state your name and if you have an affiliation, your affiliation.

MR. DAVID E. FRULLA: Good morning, thank you, David Frulla from Kelley Drye & Warren, representing Ocean Harvesters. Just one point, based on what you heard earlier. If there are problems with osprey in April and May, there is no menhaden fishing going on in the Bay in April and May. It's kind of hard to ascribe fault there.

I hope, and when I looked at the Working Group report back when it first came out, there is an assumption, an assumption that menhaden fishing is a problem for osprey. I hope the Board is not so incurious as to just accept that, contrary to the facts that are out there, and investigates if indeed there is an osprey problem, what is causing it and how to fix it. Thank you.

CHAIR CLARK: Thank you, Sir. Our next comment online is from James Fletcher. Go ahead, Mr. Fletcher.

MR. JAMES FLETCHER: James Fletcher, United National Fishermen's Association. Can ASMFC begin a process of mass spawning the fish that we say are in trouble, and releasing them in the Bays and the estuaries? We go over weakfish, what would happen if we mass spawned a billion? Don't hold them and grow them, just release the eggs where we think the eggs would be. On your topic for the day, menhaden.

Why not ask the companies that have the best aquaculture facilities in the world if they would be willing to spawn and release eggs in the trillions, which ASMFC does not have. But when you get into the lobsters and stuff. Why not try a facility to spawn and release? Why can we not look at just spawning, letting the eggs hatch, and then releasing them? Don't try to grow them into adults, but try something different. Thank you, on behalf of the United National Fishermen's Association.

CHAIR CLARK: Thank you, Mr. Fletcher. Next up we have Brian Collins, go ahead, Mr. Collins.

MR. BRIAN COLLINS: Thank you, good morning. Brian Collins, I'm just a citizen concerned about menhaden. I agree with Ben Landry. We want to avoid any misinformation. I don't know quite how we do that. When we hear about the fishery being healthy, that is only science in the ocean. There is no science in the Chesapeake Bay, it's a historical quota.

There is no science, nobody knows how many menhaden are in the Bay, and it's just as likely as

anything that industry removes every menhaden that comes in the Bay, every school. Even though there is not technically science in the Bay, the users of the Bay know that the schools of menhaden are no longer in the Bay. It used to be you could see a school a mile around. The idea that we know how many menhaden are in the Bay is not true. The industry has no obligation to leave one menhaden for wildlife.

The ecosystem does not have any set aside whatsoever. The ERPs that are set aside are only for the ocean, there are no ERPs in the Chesapeake Bay to monitor the population when it collapsed, blue crabs are at an all-time low, osprey nests are failing. You'll hear people say, the osprey populations are fine. Yes, osprey populations in the Bay are fine, the adults. The chicks are failing. I appreciate all you're doing. I hope you do the right thing. Thank you.

CHAIR CLARK: Thank you, Mr. Collins. We have a few more hands online, but I'm sorry, we really don't have the time right now, so we are going to move on to our next agenda item. If we do have time after this agenda item, we'll see if we can take some more public comment. The next agenda item is Discuss Technical Committee Directions in Response to the Work Group Report on Precautionary Management in Chesapeake Bay. To start this off I am going to recognize Ms. Lynn Fegley of Maryland, she has a presentation and some direction.

**DISCUSS TECHNICAL COMMITTEE DIRECTION
IN RESPONSE TO WORK GROUP REPORT ON
PRECAUTIONARY MANAGEMENT IN
CHESAPEAKE BAY**

MS. LYNN FEGLEY: Thank you, Mr. Chair, I really appreciate that. I want to start this off by saying, you know we considered the Work Group report last spring. There was a lot of information in there, and it was something in the state of Maryland we really wanted to

spend some time with that report, and try to understand it.

I'm going to say that coming from the state of Maryland we're sitting in a little bit of a difficult spot. I want to walk you through some of the things that we found in the report that have really raised flags for us. I also want to say that I think that this Board has done incredible due diligence, to really reach out and explore issues around us in the Bay.

We have USGS in here to talk about ospreys. The Work Group Report was initiated due to the osprey problem. But I think there are other things here that I feel strongly, and having spent a summer listening to our commercial fishermen, one of whom is sitting to my right. There is a conversation that the state of Maryland is deeply interested in having about what is happening with our fisheries.

I'm going to show this to you, because a picture is always better than what I can explain. In the Work Group report there is this table, this is Table 2, it's a really interesting table, and what it is, it's the number of reductions set between 2015 and 2024 by biweekly time period. It's a heat map, so where you see green, that means that is a set intensity, or the number of sets is significantly above average.

The first thing that caught my eye was that the effort, and it's a little washed out on the screen, but it is intensifying through time to the mid-summer period, which would normally be where Maryland starts to see its peak menhaden harvest. I was curious about this in May, I asked the question here around the Board, what is causing this? Why is the effort changing, so that the reduction fleet is focusing in the middle part of the Bay?

The answer was fairly obvious, that the boats are there because the fish are there, which really got me thinking, because that is not what I was hearing from our commercial fishermen in the state of Maryland. This is the only data that is not coming from the Work Group Report. That orange line on the top left, we just added the number of reduction sets from Table 2 between June and August.

That is just a time series of the total sets in the Bay in the midsummer. The green line, that is the Maryland menhaden harvest from pound nets during the same time period, which sort of speaks to my point that if the fish are there they are not where we are. For context, I put the total annual menhaden harvest from Maryland in that graph on the lower right. We catch somewhere between, on average, 30 to 40% of our pound net menhaden harvest in that time period between June and August. Then this is Figure 10 from the Work Group Report, and it is showing our pound net CPUEs in both Maryland and Virginia. What you see is during that same time period, our CPUEs in both Maryland and Virginia from pound nets are really starting to fall. The lower left-hand graph is the PRFC menhaden pound net index.

That seems to be holding its own. It does decrease in 2024, but what's really disturbing here is that we're hearing from commercial fishermen, they're not even setting their nets in the Potomac, because the fish aren't there. That index is likely to look a little bit different, and it is going to be based on fewer nets.

Then if we drill down further, this is Figure 11 from the Work Group Report, and as I said, in Maryland, our pound net harvest usually peaks in the summer, and also recognize this is our crab season. This shows the monthly harvest in both Maryland and Virginia. The lighter bars, again it's washed out on the screen in 2022, shows a fairly normal year, where we have a pretty good harvest is peaking in July and August.

Same thing in 2023, but in 2024 we see menhaden harvest nearly disappear from the Maryland pound nets in June, July and August. Interestingly, the same thing is happening for Virginia pound nets, and the harvest is disappearing in July and August. For us, this becomes a tremendous red flag.

We understand very well that there was a time period where there was a lot greater menhaden

harvest in the Bay and everybody was catching menhaden. The ospreys were covered. There was a time when things seemed to be ticking along in the Bay okay. But things have significantly changed in the Bay.

I can tell you, spending time on the water, I went through a litany of sort of red flags at one of these meetings. But now as a Maryland fisheries representative, what I hear from my commercial fishermen from the commercial fishermen in our state is, something is seriously wrong. I think what we have, is we have a situation where we have very intensive effort happening in a smaller window, when there is low availability of fish.

Fish are not as available in the Chesapeake Bay. This is nobody's fault, this is sort of the cycle that we're in. But we do have a period of low availability and this intensive effort that is potentially creating less escapement for these fish to get through to these small-scale gears, and could potentially be causing the collateral ecosystem damage. With all of that, what we would really like to see, and the task at hand here was to task the TC.

I think from Maryland's perspective, what we would really like to see, in thinking about this and how best to create some management that could solve this problem, or at least help us understand where the problem lies, is to look at a way to look at that reduction cap, and spread it out through the year.

It's in the Work Group Report, it is a tool that's recommended, and if we could put that cap into quota periods and spread it out, it would prevent concentrated effort. It would mitigate issues with concentrated effort that may be causing problems. We would very much like to task the PDT, we have some specific direction. But I'll just leave it there, Mr. Chair, for now, and if we can do a tasking we'll go from there.

CHAIR CLARK: Thanks very much, Lynn. That is very perceptive work that you've done there, and you've given us some ideas for the PDT tasking. Are there questions for Lynn, before we go to talking about tasks? Okay, there are no questions, would you

actually like to make a more formal, oh, Russel, Mr. Dize, go right ahead.

MR. RUSSEL DIZE: I thank Lynn for the technical side of it. I'm going to give you the watermen's side of it. Houston, we have a problem! The Atlantic States Marine Fisheries Commission, we have a problem! My best friend Robbie Wilson, who operates out of Tilman, a big pound netter, has never caught enough fish to sell this year.

Down at Hoopers Island, that is 50 miles south of us, the Powley boys operate fixed net pound nets on the Hoopers Island side and on the western shore side towards Patuxent. They caught five fish. I didn't say 500 bushels, five fish, so we're hurting. I heard menhaden, business has completely dried up so our crabbers can't get bait. They are getting it out of, when they can get it, out of New Jersey, paying triple the amount they usually pay.

But I don't know the reason. But it's up to this group to come up with something, why the menhaden aren't coming in the Bay. But they aren't coming in the Bay. It's our problem, we need to fix it. How, I don't know. Now I could say, well, nothing is coming in the Bay. Well, that is not true.

We have an influx of red fish, red drum. We never had them years ago. We've got so many now that they're like the blue catfish. Everywhere we go we have the red drum. There is a reason why the menhaden aren't coming in the Bay, and we need to find out. Thank you, Mr. Chairman.

CHAIR CLARK: I see Pat Geer. Go right ahead, Pat.

MR. PATRICK GEER: The menhaden are coming in the Bay, but they are coming in later. If you look at the report, Lynn showed the Table 3 on Page 34. But Figures 4 and 5 on Page 40 and 41, show the variability over a 20-year period of harvest over time. What we've been seeing the

last three years is that the fish are not coming, there is no fishing effort from the purse seine fishery in May and June, it's very limited.

It's getting less and less. For the 10-year period between 2015 and '24, about 44% of the Bay effort occurred in May and June. In '22 it was 39%. This past year, in 2024 it was 18.23%. This year they didn't even start fishing in the Bay until July. Something is going on, if they are not fishing in the Bay the menhaden are probably not there yet. But typically, what has happened is, with them we're seeing what Lynn showed in the table.

When they do get in the Bay, the effort is increasing. But in general, they are coming in later, we don't know why. That is an issue right there. Something is going on, but is this going to be a trend? I mean this year it seems to be worse than it was the last two years, but they are coming in later, and then by about mid-August, they are about back up to normal, where they would normally be for an August. Those are things we have to look at too. They are coming into the Bay, they are just coming in later, is my point.

CHAIR CLARK: Thank you, Mr. Geer, and I believe, Lynn. One second, Russel. At this point we want to discuss having a PDT formed, and to task the PDT with looking into this situation, with the late arrival of menhaden, the lack of menhaden. Is that the direction we're heading there? Lynn and Russel, did you both want. Russel had his hand up first. You go ahead, Lynn.

MS. FEGLEY: Yes, I think it would be our intent to task a PDT to develop options. I can specify what those look like. I just want to say to Pat's point, we do understand that the timing is different. But the issue is that what you see in that Work Group Report is that the timing is changing so the effort is changing.

When the fish are there, they are not there for us. We're at the top of the Bay, right. I hesitate to call this an intercept, but I do think we're in a situation where there is lower availability, change in timing, so when those happen to come through, whenever

it is, they just are meeting maybe an outsized gauntlet, and we would like to be able to explore ways to ease that pressure to let some of those fish go.

The proposal to the Board is to task a PDT to examine a range of quota periods for the reduction cap, 3 to 5 quota periods, no time block exceeding for the cap, and use the last five years of fishery data to show how those quota periods may impact the ability to achieve the reduction cap. I believe we need to be transparent in this, and we need to see the impacts on that fishery.

The quota periods may be evenly distributed to increase in later time blocks, if this offers some protection for menhaden ingress moving up the Bay. We would really like to see a draft document come before the Board in January, and from there the Board can review and determine what course of action it wants to take going forward. That's it, Mr. Chair, thank you.

CHAIR CLARK: Thank you, Lynn. What Lynn had just said is now up on the screen, so the Board can see that. As you see on the agenda, this was not put down as an action item, so we can do this by consent. But because it is not actually a management action, if we do need a motion, we can do it as a motion. Is that correct, Toni? Okay, so I guess we can ask the Board first of all if there are comments, questions about this task to the PDT. David Borden.

MR. DAVID V.D. BORDEN: Just a process question. Lynn has put up a good motion. I am happy to support it at the appropriate time. But does this mean that we're only going to limit the tasking to this one item, or will there be opportunities to discuss other ideas?

CHAIR CLARK: I believe that it's up to the Board. We can task further items to the PDT. This is just a start, a first ask. I saw Emerson's hand and Joe's hand.

MR. EMERSON C. HASBROUCK: I'll try not to disconnect us here today, as I reach for the microphone. I think there is a much bigger issue going on along the coast with menhaden. I know the Work Group was relative to Chesapeake Bay. I know that this discussion is relative to Chesapeake Bay. But I'll give what is going on in New York as another example, and I'm not sure what is occurring in other states.

But in New York, in the past we've had a robust inshore menhaden fishery, and the primary gears for that menhaden fishery in New York are pound nets and beach seines. It is all inshore in the Bays. For several years there the fishermen were doing great, more and more menhaden landed every year.

We were able to take advantage of increasing quota for New York, a very good fishery. Again, it's all inshore, in the Bays, eastern Long Island. The past three years, we've caught far less than a million pounds of menhaden, last year probably even less than a half a million pounds. We all know that the resource is in really good shape.

But sitting here listening to what is going on in the Chesapeake, just reminds me of what is going on in my own backyard in New York, where those fish just aren't coming inshore. They are not available to the gear that typically catches menhaden in New York, again, pound nets and beach seines. We've got no landings.

Something else is going on along the coast. I think we need to keep that in mind going forward here, in terms of perhaps tasking the Technical Committee to do something. I don't think this is an issue particular to the Chesapeake. You know maybe the purse seine issue is particular to the Chesapeake, but put that aside for a minute. Something is going on with menhaden coming to inshore Bay.

CHAIR CLARK: Next up is Joe Cimino.

MR. JOE CIMINO: I raised my hand, because I didn't see in this motion, and maybe it's my rose-colored glasses. I didn't see an amendment or addendum,

so I'm assuming this is more of a white paper that first comes before us? That was my question, but after Emerson's comments, I just have to say that we see the same in New Jersey.

We are having issues with osprey; we are seeing timing issues. I think it's been a similar experience on land as what these fish are experiencing on the water, and on the Mid-Atlantic we're going from 60 degrees to 90 degrees. We went from not seeing any menhaden inshore to, they are suffocating in the lagoons again, and we're seeing large fish kills of menhaden in our lagoons.

My understanding is we had a report about the Senate's budget during Executive Committee that they are looking at doing a study in the Chesapeake Bay, and I appreciate that. But this is a coastwide issue, and I do hope that we can look at this outside of just the Chesapeake Bay. Back to my question, are we talking about a white paper, and if so is that a PDT assignment? Because I don't know that we form PDTs just for white papers.

CHAIR CLARK: Going back to Lynn Fegley on this.

MS. FEGLEY: First, I with respect to my colleague across the table, I understand this is a coastwide issue. We understand that things along the coast are changing. But I want to remind everybody what we see in Table 2 of the Work Group Report, that there is significant effort by a large-scale fishery happening in such a peak area.

The fish were there, but they were not where we are. It's not that the fish weren't coming in the Bay. They came in the Bay and somebody caught them, but they weren't available to us, so it's a little bit of a different issue. I really want to flag that. As for the question about the addendum vs. tasking the PDT. To be perfectly transparent.

In our mind in January, we would absolutely hope that there would be a management document ready for a review. We understand that there was not action on the agenda, so we would really like to tee this up and form a PDT and look at these options, and get it moving, because you know it's a tough spot.

There are fishermen in Maryland, somethings up, but there are menhaden being caught in Chesapeake Bay. That is the disconnect. We have a situation where things are changing along the coast, things are changing in the Bay, but right now, all that aside, we have a fishery that is failing in Maryland, and we would very much like to figure out a way to sort through that.

CHAIR CLARK: To clarify, this would be tasking a PDT to create management options in an addendum, correct? Okay, so we're clear on that. Then we go to Pat Geer. James has reminded me, not technically an addendum, to come up with options. An options paper.

MS. KERNS: For clarity purposes, first of all we don't have a motion on the table. This is a tasking of a group. The agenda did say that we were going to task the Technical Committee. It would be helpful, Lynn, if you could provide some rationale of why you want to use as Plan Development Team versus the Technical Committee. We did have notification that we would be discussing TC taskings.

If the TC isn't the right group to task, then I think it's fair to say you could task another group to do some work. Then whatever that group is doing, is pulling together a white paper to bring back to the Board at the winter meeting. If this Board decides to turn that white paper into something else at a future meeting, between now and the winter meeting, that is your prerogative to do so. But at this time, it's a white paper for winter 2026.

CHAIR CLARK: Just to clarify, what we're talking about here is then rather than a PDT, Toni, you're saying that this should be tasked to the Technical, no they can go to the PDT. But the non-addendum.

MS. KERNS: Now we need Lynn to provide rationale of why she wanted to use the PDT.

CHAIR CLARK: Okay, Lynn. Clarify everything now.

MS. FEGLEY: Yes, and I should have begun by saying that we left the meeting in the spring with the homework to go home and look at the report and think through how we might want to task the TC, and so that is what we did in Maryland. I walked you through the presentation, and what became abundantly clear is that that is not a technical issue. There is not really anything there that the TC can tell us. This really is a policy decision. It's a policy decision how you manage effort within the Bay.

It's not a scientific one. The data are there; they are available. They were supposed to task somebody. It really isn't something for the TC, so in our minds it would be something for a PDT to do. I hope that provides clarification, and I apologize for not doing that earlier.

CHAIR CLARK: Is everybody clear on that where we're going right now? I had Eric Reid, then I go to Pat.

MR. ERIC REID: Thanks, I'm clear. But I have a little bit of an issue here. I don't have any problem with figuring out harvest, but when there is no fish there is no harvest, that is pretty clear. But we've heard a lot about the quality of the water in the Bay, and we don't know what's going on. Well, in my mind we need to figure out what is going on.

It may not be all that difficult, because there has been a band of cold water that is inshore of the shelf for a couple of years now. I mean not too far offshore surface temperature is 84 degrees, and the bottom temperature is 57 degrees. That cold water blocks a lot of things from coming across the bank.

I would prefer to analyze or look at the environmental conditions that exist now, as opposed to what they used to be, when everything was normal, because there is certainly no normal in the fish business. Before we went down the road of trying to figure out distributing harvest. You have to figure out where those fish are, and where they are not moving to where they would normally be.

They come in the Chesapeake Bay at some time in some quantity, but they are not coming into the Delaware Bay, they are not coming into the Peconic Bay, they are not coming into Narragansett Bay either. Instead of just looking at the Chesapeake Bay, I would like to look at more states on the ASMFC as a group, and figure out what the environmental factors are that are blocking these fish from coming, before we start figuring out harvest.

CHAIR CLARK: I know that those are points that Jeff Kaelin submitted to the supplemental, but I just want to remind everybody that the specific agenda item is directed towards the Chesapeake Bay. These are great points that I think the Board certainly wants to look into, but for right now can we focus on what has been suggested, and on the Chesapeake. I'm going to Pat, and then I've got Nichola.

MR. GEER: I'm going to agree with what was just said and what Emerson said earlier, something is going on. Before we start splitting up a quota and doing different things with it and coming up with another plan, it would be nice to know why these things occur. We don't know. We don't know why the fish are coming later into the Bay or into the other estuaries. The other question I have is, I'm a little uncertain about this whole process, because we didn't have any potential action items on the agenda today. Now we're saying this is not a management action, so we can task a group to look at something. I'm looking at procedurally. We can do this. We can do this without it being an action? I'm trying to make that clear.

CHAIR CLARK: The interpretation that I presented that was correct, Pat, because this is not directly a

management action, this is actually looking to a group to develop what could possibly be a management action. It's not a fast process, as you know. But because of that it is not the same as a motion that leads directly to a management action. Let Toni explain it better.

MS. KERNS: I think, Pat, it is very clear on the record from what you all discussed at the last meeting that we paused on taking any action, and we were going to come back to this meeting and provide any tasking to the Technical Committee on where to go in the next steps from the Work Group Report.

I would consider this an extension of that Work Group Report, and that Lynn has provided her justification of why she does not want to use the TC and use the PDT. Management Boards on the regular task committees to do things. Sometimes they do it with a motion, and sometimes they don't. But it's not always on the agenda. It is just a white paper that would come back to this Board, and then you would take management actions to turn that white paper into something else.

CHAIR CLARK: It's the magical white paper. We're going to Nichola Meserve and then to Alison Coldon, and then I saw Jeff and then Joe.

MS. NICHOLA MESERVE: I think my process question was answered and satisfactory, a little different than our usual course. But I do support the underlying concept here to consider how menhaden distribution issue is having a particular effect on Maryland, given the geographic location of its fisheries, which is unique to what the rest of the coast may be experiencing in menhaden distribution.

I just want to say that I don't think that idea to task the Technical Committee, it has to be a one or the other here. I do appreciate kind of the timeline here, which would allow for us to also receive the stock assessment at the annual meeting, and see how that plays into this

question, whether it does or not. But I appreciate the extended timeline on this.

CHAIR CLARK: Next up we have Allison Colden.

DR. ALLISON COLDEN: You know I appreciate some of the comments around the table about trying to get to the bottom of what is going on in the Chesapeake Bay and along the coastal shelf. I think it's really important for the long term, but listening to my fellow delegate from Maryland talk about the crisis that our watermen are seeing, I think warrants continuing to explore these options, even as we can task the TC to look into some of these things.

In the long term, yes, it will be important to know why things are changing. It will be important to know if and how we can mitigate any of those stressors on the ecosystem. But we have a crisis here in the Chesapeake Bay, and there is a lot of information in the Work Group Report about the data that we have. But we also had extensive discussions in the Work Group about the data we don't have. I would just encourage folks to look at that report, because we had grand dreams of things that we would like to see and like to explore, with respect to impacts on menhaden availability. But for some of those questions the information is not there. I just want to avoid this Board in those taskings going down a rabbit hole of things that we have already explored through the Work Group, and know that those answers are not currently there.

Then delay action even further for our watermen and our fisheries who are struggling now. As of this meeting, it has been an entire year since we originally brought this concept to the Board, and now we have a process that would take us to the winter of 2026, before we would see a draft document, if this Board were to choose to turn that into an addendum and take action, we're looking at, at least another year. That's another two years that our fishermen are going to have to suffer if we do not continue to go down this road.

CHAIR CLARK: Next, we have Jeff Kaelin.

MR. JEFF KAELIN: I spoke with you before the meeting started. I just wanted the Board to know that in the queue I have three tasking of tasks also myself, focused on some of the environmental issues we touched on. I would have them in the form of a motion, I'm not ready to make it now, but I just wanted to give everybody a heads up. If it's not a motion, once we're finished with this, I can put those motions up, or just simply task them verbally.

But I do have three motions prepared for consideration whenever we wrap this one up. Personally, I'm okay with the approach being taken here. I understand what's being said there, but I think there are some other mitigating factors that really aren't kind of coast wide is what's touched on. Just when you're ready, Mr. Chairman, I've got those queued up. James has those.

CHAIR CLARK: As the discussion we're having here shows, we have the immediate concern with the Chesapeake, which is what this agenda item is about. But as we've heard from several commissioners already, the problems in the Chesapeake are being replicated up and down the coast. We'll have to as a Board, have a discussion as to whether we want the PDT to look at the bigger picture, or right now just stay focused on the Chesapeake. I had Joe and then Rob LaFrance.

MR. CIMINO: I don't disagree that there is a policy element to this, but I still am worried that we're not getting to the root of this problem. We had our Sciaenids Board and looked at croaker landings. We had our Striped Bass meeting and we saw that if you looked at the harvest reductions for, say Wave 6.

Another species that was supposedly offshore of North Carolina in November and December, you would see that for quite a few years there has been no harvest south of New Jersey. I'm very uncomfortable that we're not approaching this more holistically, and I apologize. I know that there is an issue in the Bay as well, but I

don't understand why we wouldn't still tackle this for everyone.

Yet, at the same time, as Lynn pointed out. The CPUE in the Potomac River has been pretty consistent, so there are still fish moving through. We know that the juvenile abundance for menhaden in the Chesapeake Bay has been good for a couple of years. As Eric pointed out, there is cold water moving, as we saw, some of us saw in the State of the Ecosystem Report that we're seeing colder waters right now. I hope there is a lot to look at. It's not necessarily that I am opposed to this motion, I just wish it was more encompassing.

CHAIR CLARK: Perhaps there should be a dual track we're looking at here, maybe this would go to the PDT and we ask the Technical Committee to look at some of these bigger issues. Go to Rob LaFrance.

MR. ROBERT LaFRANCE: Chairman Clark, that was sort of exactly what I was going to say. Some of the issues are in fact technical, and some of them are in fact policy. My sense of this, what we're looking at in this particular motion is a logical expansion of what our Work Group Report was about.

We were exploring the options available for management, and for management maybe in a precautionary way. I think because of the urgency that we're seeing in the Bay, it is important to have those options available to us, so we can take action. That's not to take away from what Jeff Kaelin and others are talking about, in terms of science.

I heard about the science. I think there are some significant issues we need to understand. But we should also be prepared, and I think that's the purpose of this. We should be prepared for actions that are precautionary if needed, and I think that is the real reason to try and push this forward. Thank you.

CHAIR CLARK: Thanks, Rob, I'll try not to read your mind again. Why don't we do this, if the Board is willing. Why don't we see if we can get the consensus about this, and then we'll move on and talk about tasks for the TC that look at the bigger

picture, if the Board is willing to consider that. Does that sound like a path we can take right now? I see one objection there from Pat.

MR. GEER: Well, my concern with developing a Plan Development Team would be that obviously we would need representation from Virginia, and you all know I am retiring, and Shanna Madsen, who is much better and a much more informed person on menhaden, is leaving the Agency as well. We may not have somebody who could sit on this, who has history and expertise. Thanks, Pat, and Toni, did you have something?

MS. KERNS: I guess, Pat, I would ask you, how long would it take Virginia to find a person to sit on a group that would be looking at this? Obviously, we may start some work between now and the annual meeting, but it would probably be very little. Most of the work would get done after the annual meeting moving forward for this, Pat. Would you be able to get somebody?

MR. GEER: I couldn't even begin to guess, I mean it's the state, you don't fill positions over night, it takes time.

CHAIR CLARK: Pat brings up a practical problem for Virginia, with PDT, but at the same time, hopefully that is not an insurmountable problem. For this Board to consider this non motion for a non-addendum, can we by consent ask the PDT to move forward with this, or if there are objections, I guess we will have to do it in the form of a motion. Are there objections to this tasking? Eric Reid, and I see a couple of objections there. Lynn, would you want to make this as a motion?

MS. FEGLEY: Yes, Mr. Chair, I would like to turn this into a motion. I just want to repeat that while I really appreciate the comments, and I understand and I hope that we do get to some tasking around the environmental conditions. This is a very distinct fishery problem that fish are in the Bay, as is noted in Table 2, because the effort is in the Bay, and that effort, by the

way, is occurring if you look at Figure 7 in the Work Group Report.

A lot of that effort is pretty much setting on the Maryland state line. Again, I am not saying this is an intercept fishery, but I'm saying that the conditions are changing in such a way that we are having a real fishery problem in Maryland, and it's not just about Maryland. This is about estuarine ecosystem that supports the coast.

With that; I move to task a Plan Development Team to develop options for distributing harvest of the Chesapeake Bay reduction cap more evenly throughout the Chesapeake Bay reduction season in order to mitigate potential effort bottlenecks that may be impacting other Bay small scale fisheries as well as the Bay ecosystem. The intent is for a draft document to come before the Board at the Winter 2026 Meeting.

CHAIR CLARK: Thank you, Lynn, for reading that into the record, and we have a second from Mel Bell. We have a motion and a second, and Toni has informed me that we need to take a five-minute break to work a few things out here, so it would be a good time to caucus also. Let's get back at 9:33.

Okay, we want to get started again here, we're already running late, so will everybody that will be possibly voting please return to the table. We've had a lengthy break here, does anybody need more time to caucus? Not seeing any, let's call the question. **Can we have all those who are in favor of this motion, please raise their hands.**

MS. KERNS: I just accidentally put a commissioner's hand down on the webinar, so if that Commissioner could put their hand back up. Thank you, **Chris. North Carolina, Rhode Island, Massachusetts, Connecticut, New York, Pennsylvania, Florida, Georgia, South Carolina, Potomac River Fisheries Commission, Maryland, Delaware, Maine, New Hampshire.**

CHAIR CLARK: All right, and all those opposed.

MS. KERNS: New Jersey and Virginia.

CHAIR CLARK: Any abstentions?

MS. KERNS: Fish and Wildlife Service and NOAA Fisheries.

CHAIR CLARK: Any null votes, not seeing any. What is the tally? We have 14 yeas, 2 no, and 2 abstentions. The motion carries. As we said next, we have more ideas for the TC, but before we go to that, David Borden asked me if he could bring up some process questions here.

MR. BORDEN: This is just a process concern. I'm concerned about the amount of time that we have to deal with this, and I wouldn't want to see us rush into making decisions on alternatives with a lack of time to discuss it. A number of people around the table have already said that they want to offer motions.

I guess to you, Mr. Chairman, the question is, do we do it now and run way over the timeline, or do we set some time aside, adequate time at the next meeting and say, anyone that has any other ideas can bring those forward at that time, and there will be time for everyone to weigh in on the pros and cons of the strategy. I myself would like to see some kind of time area discussion, and I'm sure there are others that have different strategies.

CHAIR CLARK: That's a great point, David, especially as the Board was asked to look into options or ideas specific to the Work Group's Report, and we are, as has been brought up here, talking about other items too. Let me ask the Board if we would want to pursue right now, as we are already running beyond the time limit of this meeting, to start getting into tasks for the Technical Committee, or as David suggested, wait for the next meeting or possibly some process where we could send ideas to James for this. What does everybody think? I see Spud Woodward.

MR. SPUD WOODWARD: I think we should postpone it. I think we need a little time to sort

of react to the decision we made today, because I think that next conversation might consume more time than we've already spent on this one. I think to be respectful of our schedule, because I know folks have to fly out today and we still have a pretty good agenda for a Policy Board, so I would support that.

CHAIR CLARK: Jeff.

MR. KAELIN: I did my homework and I have three motions. I'll listen to the Board and set it aside. I've been sending information around for the last month, getting ready for this today. It's based on science, it is not based on policy, which I didn't think we were going to get into today. Obviously, that motion just was approved.

But I'll set it aside. For the people around the table look at Page 284 of the supplemental materials. You will see my July 25th letter to Katie and others, and also letters, e-mails from Woods Hole and NOAA on some of this environmental stuff. I also have two other motions on birds and other environmental effects in the Chesapeake Bay. But I will hold them, and I'll be ready to come in the next time and put them up on the Board, and we take time for it.

CHAIR CLARK: I tell you what, Jeff, since you have done your homework, maybe you can e-mail those to James, and James can send them to the Board in advance, so people can see what you're getting at there, and so we could go from there.

MR. KAELIN: That's already been done, Mr. Chairman.

CHAIR CLARK: Okay, thank you, and then I see Matt Gates.

MR. MATTHEW GATES: I was just going to offer an alternative, is if we could put the motions up now so the Board could see them, and then postpone them until next meeting. Just an option, because I haven't seen what he's talking about.

CHAIR CLARK: Go ahead, Jeff.

MR. KAELIN: In the interest of time, I appreciate that, Matt, but in the interest of time, I think if they get sent around that would satisfy me today, given the timeframe. We all need to get out of here at some point this morning, in the interest of that I will set those aside.

CHAIR CLARK: Thanks Jeff, thanks, Matt, and Bob.

EXECUTIVE DIRECTOR ROBER E. BEAL: Just a couple quick comments, and of course it's obviously up to the Board. But just controlling expectations, which is very important. You know the timeline that was in the motion that was just passed by the Board, contemplates bringing something back, a product back at the annual meeting, I'm sorry, at the winter meeting next year, January/February of 2026.

If an addendum was started hypothetically at that meeting, it could not be wrapped up in time to affect the 2026 fishery. It takes a few meeting cycles to do that. Regardless of if you hash out more things today or you hash them out at the annual meeting. I think the first year that the fishery could be affected under the normal addendum process would be 2027.

Doing it today or doing it at the annual meeting, I think the ultimate implementation of changes would be the same, which would be the 2027 fishery. Then another thought. Without seeing Jeff's motions, I think as the complexity of these requests' increases, the Plan Development Team that has not yet been formed, may not be the right group to do this.

You know some of these large-scale ecosystem questions on "what is going on along the east coast", and all these changes we're seeing in the Bay, and through New Jersey and New York and other areas we've heard about. The PDT may not be the right group to do that, so we're going to think about that.

CHAIR CLARK: Bob, I think we had already discussed having the TC look at the, that's why I separate the two things out and have the TC look at the next set of ideas for the coastwide technical situation.

EXECUTIVE DIRECTOR BEAL: Yes, and a TC won't be really available until after the annual meeting. They are wrapping up the stock assessment and ecological reference points. Just again, controlling expectations and letting folks know the timing of some of these issues.

CHAIR CLARK: Just taking on that Bob, the timing wise, so the TC will be freed up, I guess, after the annual meeting. If this Board then brought forward these tasks for the TC at the annual meeting, that would work for them to then start considering these.

EXECUTIVE COMMITTEE: Yes, that seems fair.

CHAIR CLARK: Okay, sounds good. Is the Board all satisfied with that path forward? Okay, not seeing any objections to that, we will consider that item wrapped up for now then, and we will move on to Item 5, which is a progress update on the 2025 Ecological Reference Point Benchmark Stock Assessment, and I'll turn that over to Katie Drew.

PROGRESS UPDATE ON 2025 ECOLOGICAL REFERENCE POINT BENCHMARK STOCK ASSESSMENT

DR. KATIE DREW: Thank you, Chair, I'll keep this very brief. We have completed the assessment and submitted all of the materials to SEDAR. The peer review is next week, Tuesday through Friday. There will be a webinar option if people would like to listen in, and the link for that is on the ASMFC calendar, as well as on the SEDAR website.

You can find that information there. The natural mortality issue that we discussed at our last meeting that I presented on, will be peer reviewed on that first day, so I know that has been a topic of a lot of interest. That will be covered on the first day, if people would like to listen in to that. I'm

happy to take any questions, but I think we'll have a lot more to tell you in October.

ADJOURNMENT

CHAIR CLARK: Any questions for Dr. Drew?
Okay, not seeing any, then we move on to Other Business. Is there any other business to come before this Board? Not seeing any, then I believe we can adjourn, and thank you, everybody.

(Whereupon the meeting adjourned at 9:43 a.m. on Thursday, August 7, 2025)