

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

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

February 4, 2026

Approved May 5, 2026

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1. **Approval of agenda** by consent (Page 1).
2. **Approval of Proceedings of October 2025** by consent (Page 1).
3. **Move to adjourn** by consent (Page 24).

ATTENDANCE

Board Members

Megan Ware, ME, proxy for C. Wilson (AA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Steve Train, ME (GA)	Michael Luisi, MD, proxy for K. Charbooneau (AA)
Rep. Allison Hepler, ME (LA)	Russel Dize, MD (GA)
Renee Zobel, NH (AA)	Allison Colden, MD, proxy for Del. Stein (LA)
Doug Grout, NH (GA)	Joe Grist (Acting AA)
Dennis Abbot, NH, proxy for Sen. Watters (LA)	James “JJ” Minor, VA (GA)
Nichola Meserve, MA, proxy for D. McKiernan (AA)	Andrew Minkiewicz, VA, proxy for Sen. Diggs (LA)
Nicole Lengyel Costa, RI, proxy for J. McNamee (AA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Matthew Gates, CT (AA)	Rep. Brian Turner (LA)
Bill Hyatt, CT (GA)	Ben Dyar, SC, proxy for B. Keppler (AA)
Robert LaFrance, CT proxy for Rep. Gresko (LA)	Malcolm Rhodes, SC (GA)
Marty Gary, NY (AA)	Robert Boyles, SC, proxy for Sen. Cromer (LA)
Emerson Hasbrouck, NY (GA)	Doug Haymans, GA (AA)
Joe Cimino, NJ (AA)	Spud Woodward, GA (GA)
Adam Nowalsky, NJ, proxy for Sen. Gopal (AA)	Jeff Renchen, FL, proxy for J. McCawley (AA)
Kris Kuhn, PA, proxy for T. Schaeffer (AA)	Gary Jennings, FL (GA)
Loren Lustig, PA (GA)	Ron Owens, PRFC
John Clark, DE (AA)	Max Appleman, NMFS
Roy Miller, DE (GA)	Rick Jacobson, US FWS

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

Ex-Officio Members

Caitlin Craig, Technical Committee Chair	David Bailey, Law Enforcement Committee Rep.
Meghan Lapp, Advisory Panel Chair	

Staff

Bob Beal	Caitlin Starks	Chelsea Tuohy
Toni Kerns	Emilie Franke	Katie Drew
Tina Berger	Tracey Bauer	Samara Nehemiah
Madeline Musante	James Boyle	Jainita Patel

The Atlantic Menhaden Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, via hybrid meeting, in-person and webinar; Wednesday, February 4, 2026, and was called to order at 1:15 p.m. by Chair John Clark.

CALL TO ORDER

CHAIR JOHN CLARK: Welcome to the Atlantic Menhaden Management Board meeting. The meeting is now called to order. The meeting is being chaired by John Clark; the Administrative Commissioner from Delaware. I am joined up here at the front table by our Advisory Panel Chair, Meghan Lapp.

Also, from Atlantic States Marine Fisheries Commission we have James Boyle, who is the FMP Coordinator and Katie Drew, the Stock Assessment Scientist for Atlantic menhaden. Online we have our Technical Committee Chair Caitlin Craig, and we have our Law Enforcement Committee Chair, David Baily. Toni told me we have several commissioners online, so I will throw it over to her.

MS. TONI KERNS: Again, I apologize if I leave anybody out, it's never on purpose. We have Steve Train from Maine, we have Drew Minkiewicz from Virginia, we have Brian Turner from North Carolina, and Malcolm Rhodes from South Carolina, Spud Woodward from Georgia, and Emerson Hasbrouck from New York, and Joe Gresko from Connecticut. I think that is everybody.

CHAIR CLARK: We've got a full table and a full online contingent, that's great. Let's move right on, excuse me, we have a hand up from Joe Grist, Joe.

MR. JOSEPH GRIST: Just to double check, I believe you have JJ Minor online as well from Virginia.

MS. KERNS: Very possible, I'm doublechecking to make sure he's there. Yes, he is.

MR. GRIST: Thank you.

APPROVAL OF AGENDA

CHAIR CLARK: Okay, I think that takes care of all the online commissioners, we'll move on to the consent items. 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 October 2025 meeting? Seeing none; the proceedings are approved.

PUBLIC COMMENT

CHAIR CLARK: We'll move on to Agenda Item 3, Public Comment. Once again, this is for comment on items that are not on the agenda. Those of you who wish to comment to items on the agenda, we hope we will have enough time to take some public comments at that point. But if anybody has comments, they would like to make that are not on the agenda, please come to the public microphone, state your name.

If you have an affiliation state that and then please make your comment and you'll have, could I have a show of hands, how many people would like to make public comments? Okay, we have one, two, three, four. Oh, there is one online. Okay, we've got six people that would like to make public comments, and we are going to give you two minutes a piece. Thank you, so please push the button until it turns red, and please proceed.

MS. ROBERTA KELLAM: Hi, I'm Roberta Kellam, from the eastern shore of Virginia, and I've been coming here frequently to just keep reminding you about the osprey situation, and the connection to the menhaden. I hadn't mentioned this before, but my husband actually was on the Atlantic States Marine Fisheries Commission for Virginia several years ago, and he will be your boat captain if you

would like to come to the eastern shore this spring, April and May.

April, see all the osprey nests and see the thriving situation and then in May when everything is desecrated and starving to death. That being said, I wanted to make a couple comments about the study that I just read about you getting several funding to do additional studying on the menhaden in the Chesapeake Bay.

There were a couple of points I would really hope that you will include or involve an osprey scientist at the level of expertise of Professor Brian Watts, somebody of that caliber, that really understands the relationship between the menhaden and the osprey and the life cycle and what not.

The other thing that I would hope that you can start looking at restoration of the menhaden population in the Bay, because it is clear that it used to be a lot higher. The landings were a lot more, and I think that just having a bare minimum of sustainability, we deserve more than that. The ecosystem deserves more, and the public deserves more. Thank you.

CHAIR CLARK: Thank you, Ms. Kellam. Next up from the audience, if one of you would just walk right up to the public microphone, state your name and affiliation and start your comment.

MR. JOHN GOODMAN: Good afternoon, Chairman, members of the Board. Thank you for the opportunity to speak.

CHAIR CLARK: Please state your name, sir, and your affiliation.

MR. GOODMAN: Affiliation, I'm a charterboat captain, I have a representation of folks here with Bay Defenders Alliance. John Goodman. Sorry, I'm not really a big public speaker, so I apologize.

CHAIR CLARK: No problem, just go right ahead.

MR. GOODMAN: I would like to invite anyone here who would like to visit the Rappahannock River or the Chesapeake Bay to see first hand of what we're dealing with. There is definitely a problem. Again, my name is John Goodman, I am a United States Coastguard Captain, licensed captain, and my livelihood, along with many other commercial watermen, charterboat operators and small waterfront businesses depend directly on the Chesapeake Bay and its shared marine resources.

I want to speak plainly about a structural issue in how this fishery is being managed, in my perspective. The framework currently being used is assessed to manage the Atlantic menhaden was designed for coastwide management across the Atlantic states. Unfortunately, the assessment does not have the capability to examine discreet Chesapeake Bay needs or the impacts that industrial menhaden harvest currently is having.

Without this science, which has been repeatedly blocked by the reduction industry, menhaden management should be far more conservative minded in this estuary, and that because the services are crucial in the Chesapeake as a nursery. We are having issues with striped bass; we are having issues with menhaden themselves not being present like we're used to seeing.

There are many other species that I feel, and many others feel that are in danger. I do not understand why the nursery system, with a fundamental difference between ecology functions and risk profiles is being counted as the same as open water fishing, particularly when the Commonwealth has acknowledged that current assessment models cannot independently evaluate menhaden significantly within the Chesapeake Bay.

CHAIR CLARK: Mr. Goodman, will you please wrap it up, thank you.

MR. GOODMAN: There is also a serious data gap that must be acknowledged, reduction fishery data and catch compositions are largely self-reported

with no independent third-party observation programs overseeing the Chesapeake Bay. That means we do not have verified data on how many nontargeted species are being caught, discarded, or just dying during their operations. I see that this is an economic consequence of this fishery. Thank you for your time.

CHAIR CLARK: Thank you, Mr. Goodman. Next, please. From the audience just please step up to the mic, your name and affiliation. Thank you.

MR. REMY MONCRIEFFE: Hello, everybody. My name is Remy Moncrieffe, and I am with the National Audubon Society. I am doing conservation policy measures for the National Audubon Society, and over the last several years it's been this conscientious debate about menhaden going to the Chesapeake Bay to help with the Bay, and everything between.

Audubon has maintained that proactive and threatened fisheries management is key towards maintaining the health in the Bay, that's just been consistent. However, last year the Technical Committee recommended a 50% reduction in the Total Allowable Catch for the coastwide and however, instead of adopting that 50% reduction a 20% reduction, which is less than half of what was recommended was adopted. As we move into the future you are going to keep seeing concerned citizens, as we've seen before and we'll see after, advocating for menhaden before it's fished, before ecological reference point that recommended best available science, and just adopting the recommendations of committees like the Technical Committee are key towards maintaining the health of the Chesapeake Bay. Just keep that in consideration and just know that anyone here is as concerned or more concerned about the data than I am.

They are here on their own volunteer time trying to defend what they believe is the right here, and I know that feeling and these concerns over and over again can get tiring, and

I know that even concerns can get political conscientious, and as far as I can see don't know who's right and who is wrong.

But I also know that everyone here just wants what is best for the day, as small businesses with their boats, with their livelihood. Again, just keeping the science as pinpoint as possible, and just when the time leads us in a direction stopping it is going to be key to us now into the future, more of a use of conscientious environment their way. Thank you.

CHAIR CLARK: Thank you, Mr. Moncrieffe. Next up, do we have anybody else from the audience? Here we go. Once again, just state your name and affiliation and begin your comment.

MR. MARCUS KAUFMAN: Good afternoon, Marcus Kaufman, Bay Defender Alliance, also I own a charter business here in Virginia. Thank you, I am here as a local business owner in Virginia, part of the lower Bay, also someone who believes deeply in the public trust responsibilities tied to Virginia waters.

What we're experiencing right now should concern everybody, not just fishermen. From '23 to '24 we've seen a drastic decline in the life out in the Bay. I can't speak for all of the Bay; I can speak from the York River down to the bridge. But I can say, '25 was the hardest and worst year that we've seen so far.

Catches consistently continue to fall, and the absence of the menhaden is something residents and watermen alike are all talking about. These are public waters, when they decline the consequences are public. Commercial watermen are seeing it, charter operators are seeing it, waterfront communities are seeing it, and when people who live and work on the water all say the same thing, it deserves some urgent attention.

This has already begun to translate into an economic downturn for Bay and coastal communities, lost trip, lost income, growing uncertainty about the future. Stewardship means acting before damage becomes irreversible. For

where we stand on the water that moment is now. Thank you.

CHAIR CLARK: Thank you, Mr. Kaufman. Is there anybody else in the audience that would like to make a public comment on items not on the agenda? Yes, sir, come right up to the microphone. State your name and affiliation, and then just begin your comment. Thanks.

MR. NORMAN MACARTHUR: Good afternoon, my name is Norman MacArthur from Richmond, Virginia, and I'm here representing the Bay Defenders Alliance. Really, all of my friends here that have spoken to you this afternoon. But more importantly, I'm also here representing my four young sons under ten years old, who enjoy fishing. Some of my information is anecdotal, but I just want to get this out here to you folks who are the decision makers. I own property in Lancaster County on the Rappahannock River, in the process of building a home there.

The Chesapeake Bay Act has a lot of hoops to jump through to build a home on the water. As a private citizen, it is my responsibility to follow all the rules and the regulations, and I understand why. These were put there because people before me didn't make good choices, and they led to a lot of things that have potentially led to the demise of the Chesapeake Bay.

I would urge this Board to take the comments of all the folks that are here today discussing the overfishing of menhaden, and the need for more scientific research on the reduction fishing that is occurring in the Chesapeake Bay and the Rappahannock to heart, and understand that this is something ecologically that could be irreversible if it's not addressed here in the near future.

I appreciate you're giving me the time and opportunity today, and certainly this is something that is important to a lot of folks,

and I'm sure that's why you are all here as well, so thank you very much.

CHAIR CLARK: Thank you, Mr. MacArthur. Was that the last commenter from the audience, oh we have another one. Please come right up to the microphone, sir, and state your name and affiliation and just begin your comment.

MR. TYLER SMITH: Good afternoon, my name is Tyler Smith, I'm a third-generation commercial waterman on the Rappahannock River, also Chesapeake Bay. I wanted to come up and just state the fact that in my lifetime of crabbing on the Rappahannock River I've watched a huge decline in multiple species.

I would urge the Board to know that we're talking about a fish that is on the lower part of the boom chain, so the catch of that fish is not just affecting itself, there are other species that depend on it. The Bay needs all those fish to come and do their part. If we knock out the menhaden, the menhaden population is getting too low as it is now, you'll stop getting your filter fish, which also filter the water and clean up the Bay.

The Bay is a big contributor to the whole east coast. A lot of our fish are migrating, there may be things up and down the coast, so I'll urge you all to also realize that the Chesapeake Bay is a nursery. A lot of fish, their early stage is born there and depend on being in that area to make it to their mature level to go up the east coast and do their thing. That is just what I wanted to shine a light on, and I appreciate you all hearing.

CHAIR CLARK: Thank you, Mr. Smith. Are there any other comments from the audience? Yes, sir. Right to the mic, state your name and affiliation and begin your comment.

MR. ED GARVICH, JR.: Hi, my name is Ed Garvich, Jr. I'm from Richmond, I'm here to support the Bay Defenders Alliance. A lot of these guys are my friends and their livelihood is dependent upon the natural resources in the Bay. I'm here to address the management of the Atlantic menhaden within

Virginia waters and the Chesapeake Bay, which function as a primary nursery for the Atlantic coast. As reflected in the Commission's 2025 assessment materials, Atlantic menhaden are currently assessed and managed as a single coastwide stock. The Commission has also acknowledged that existing assessment models cannot provide quantitative estimates of abundance, depletion or sufficiency of smaller, spatial scales, including within the Chesapeake Bay.

As a result, the current framework does not allow the Board to determine whether menhaden availability within the Bay is adequate to support predator demand during critical life stages. The Chesapeake Bay differs materially from offshore systems. It is a shallow, self-reliant and ecologically sensitive body of water.

Fishing activity within the Bay is inherently dependent upon its tributaries, and localized impacts cannot be assumed to average out at the coastwide level. While the Chesapeake Bay reduction fishery cap has served as precautionary measure, it is based on historical landings rather than ecological thresholds or forage demand.

The Board has also identified concerns related to the timing and concentration of fishing effort and its interaction with other fisheries within the Bay. This creates a management mismatch, which coastwide reference points are used to guide decisions in a nursery system that cannot be evaluated independently within the current assessment framework.

To address this mismatch, I respectfully recommend the Commission establish a mandatory Chesapeake Bay buffer for industrial menhaden reduction fishing, recognized at the Commission level and implemented through state action. Such a buffer would align offshore designated fishing practices with offshore environments and reduce concentrated

ecological risk within the nursery. This would not constitute a prohibition on the fishery.

CHAIR CLARK: Would you please wrap it up, Mr. Garvich?

MR. GARVICH: Sure, I can. With a spatial management boundary consistent with ecosystem-based principals and the Commission's responsibility to prevent localized depletion. Once again, I appreciate everybody's time in listening to me. I hope these comments help you make some good decisions and thank you for your time.

CHAIR CLARK: Thank you, Mr. Garvich. Is there anybody else in the audience? Okay, not seeing any more hands we have at least one online, correct, and that is Tom Lilly. Well, we just said your name, Tom, so if you want to say your affiliation go right ahead, and then start your comment.

MR. THOMAS LILLY: Okay, my affiliation is with the Menhaden Organization that is seeking you all to reverse what you're doing. In May, this Board heard the Protective Options Workgroup report back that the best thing you could do for the ospreys and all the other wildlife in Chesapeake Bay was to stop the fishing in May and June. Now, another group, which did not have as its objective protecting the Chesapeake Bay, is going to be reporting. I know you can see from what they have in mind that they want to do exactly the opposite, remove the fishing from the summer, when most of the fish are being caught and the least damage is being done to our Bay, to move that into the spring, where it would cause the worst damage that it could possibly cause, and be in complete opposition to your first workgroup's recommendations, or to move it into the fall where they would be catching all the migrating spawning fish, the second worse thing that could happen.

What do we do? You have two workgroups that have reached 180 degrees opposite conclusions. If you just adopt what the second group says you will be leaving all the great recommendations of the first group on the table. Wouldn't it make sense for the Board to hold a hearing allowing both groups an

opportunity, and make a decision, take the best from what both groups have to recommend.

Another thought, maybe these groups could get together with a mediator and try and reach common ground, because as it is right now, I'm afraid that what you are going to hear later on today will be very destructive to the Bay. Thank you so much and you all have a wonderful day.

CHAIR CLARK: Thank you, Mr. Lilly. We have another online comment from Mr. Steve Atkinson. Mr. Atkinson, if you have an affiliation, please state it, and then begin your comment.

MR. STEVE ATKINSON: Yes, thank you, this is Steve Atkinson, I'm with the Virginia Saltwater Sportfishing Association. A couple comments. We know the stock has been overstated badly. We know that your own ERP science suggested the need for a 54% decrease in the TAC, and we know that the industry has been blocking funding for a menhaden study for at least three years now.

I just want to encourage the Board. You've heard a number of good comments here. I want to encourage the Board to act and lower the Bay cap by at least 50%. I think that is necessary to protect what is going on in the Chesapeake Bay. I would also like to note that the industry sometimes claims that if you pass this regulation or that regulation that they will be out of business.

If you look back at the industry's harvest in the Bay over the last decade, you will note that in three of those years over the last ten, they have only caught about 50% of their Bay Cap. Let me say that again, they have only hit about 50% of their Bay Cap in three of the last ten years. As far as I know, they are certainly not out of business and they certainly didn't lay off any employees during those years.

I think the idea that if you were to pass a significant reduction in the Bay Cap, the idea

that somehow that is going to put them out of business, honestly makes no sense whatsoever. I just encourage the Commission to act. I appreciate you taking the time to hear these comments, and it's been a long time. I know there is discussion about more science. I don't think the Bay can wait another five or more years to gain additional science. We really encourage you to act now. Thank you very much.

CHAIR CLARK: Thank you, Mr. Atkinson, that concludes our public comments. Many thanks to our commenters on behalf of the Board. We greatly appreciate you taking time to come up here and address us.

PROGRESS UPDATE ON DEVELOPMENT OF DRAFT ADDENDUM II FOR PUBLIC COMMENT

CHAIR CLARK: With that we will move on to our next agenda item, which is Progress Update on Development of Draft Addendum II for Public Comment, and I'm going to turn it over to James Boyle.

MR. JAMES BOYLE IV: At the annual meeting in October the Board initiated Draft Addendum II to develop options to distribute the Chesapeake Bay Reduction Fishery TAC more evenly throughout the fishing season, and to reduce the Bay Cap by up to 50%. The PDT met four times in December and January, but due to a delay in gaining access to confidential data the PDT was unable to complete the analyses necessary for the quota periods portion of this assignment in time for this meeting.

The memo in supplemental materials summarizes the PDT's work and seeks for its guidance to aid the PDT in continuing the development of the draft addendum. In the memo is a draft statement of the problem for the first portion of the quota periods. They looked to capture the Board discussion in initiating this action, in particular the statement highlights the delayed harvest in the Bay in recent years, and how that coincides with significant declines in pound net baith fisheries throughout the Bay.

Based on statements from the Board, the PDT is analyzing options that divide the Bay Cap into three, four and five quota periods, with no individual quota period exceeding one-third of the total Bay Cap. However, the Board also requested options that would shift harvest later in the season to protect menhaden ingress into the Bay.

The PDT notes that if it is to develop options that delay harvest that may require some quota periods to receive more than one-third of the Bay Cap and/or could involve periods of differing lengths or different sizes. This is a truncated version of Table 1 in the PDT memo for visibility on the slide, and also to approximate the range of the reduction fishing season, which starts on the first Monday in May and ends on the third Friday in November.

On the right you'll see the average proportion of annual landings reached by the reduction and pound net bait fisheries by each week of the year, with some 2026 dates that serve as an example of where those weeks fall on the calendar. The landings are averaged from 2018 and 2024 to represent the time period since Amendment III set the cap at its current level of 51,000 metric tons. In the middle are what quota periods could look like to distribute the reduction harvest in equal proportions in three, four and five quota periods.

The PDT notes the logistical difficulty in monitoring quota effectively over short periods due to lag time in reporting and processing that data, and recommends removing the five-period option, where you can see periods in the column is as short as three to four weeks. In working on these issues, the PDT developed three questions for feedback, and I'll have a slide with all the questions at the end of the presentation, so we can use them before the Board begins their discussion.

One is that the Board wants to maintain a maximum of one-third of the cap in each quota period or in one quota period. Similarly, does

the Board want to maintain equal season lengths, or can unequal season lengths be considered? Lastly, does the Board want to maintain a five-period option? Additionally, the PDT is considering developing several options regarding in-season rollover and overages. Regarding rollover, the range of options the PDT had discussed include no rollover, a proportional rollover, where the unused portion is divided equally between the remaining quota periods, and a delayed rollover, which shifts any unused quota to the last quota period.

Then for overages the PDT is considering a full pound for pound payback in the subsequent quota period, and also a full payback distributed equally throughout the remaining quota periods. For this topic, the PDT developed the questions. First, if the Board chooses to maintain the stipulation that no period may exceed one-third of the cap, does that limit include rollover if rollover is to be allowed?

Second, are there any other additions or subtractions for the range of options the Board would like considered? The Board did not previously provide any guidance on rollovers or overages for this topic, and so the PDT put these together to consider what would the full range of possibilities be.

They are, of course, open to more Board direction on what the Board would like to see in that topic. The second portion of the memo focuses on the reduction in the Bay Cap, include a statement of problem that references the precautionary nature of the Cap, its current level, and the intention of the Board to reduce it by up to 50%; in response to cuts to the coastwide Cap.

Once the options are included in a draft addendum, the Board will, as a note, have the ability to choose anywhere within the range of options, but for analysis and public consideration the PDT has drafted five options between the status quo, which is not listed in the memos, it is implied, and the requested maximum cut of 50%.

Those options include a cut of 10%, 20%, 30%, and finally 50%. The 10% option may be adjusted during

analysis and represents a smaller cut that may result in a larger reduction in the Cap, depending on the Board's decision regarding quota periods and rollover. If the Board does not allow for rollover between quota periods, and a period is underharvested, then the unharvested portion may act as an additional reduction in the Cap.

The 20% option matches the last cuts to coastwide TAC. The 30% option creates an additional buffer to account for the uncertainty of menhadens abundance within the Bay, and the 50% cut being the most conservative measures requested by the Board. During PDT discussions the PDT did note that a mechanism to revise the Bay Cap based on changes to the Cap may be useful.

The PDT also recognizes that the Board already discussed this topic at the annual meeting, but it did come up during our discussions of specific options. On the slide here will be a summary of the PDT's questions for all the topics, and I am happy to take any questions or further direction from the Board.

CHAIR CLARK: Okay, before we go to comments on direction for the PDT. First, I just want to clarify, James, that this is just going to be advice to the Plan Development Team, so there won't need to be any motions here, right. This is just Board consent as to what we want to see the PDT work further on. With that, shall we take these one at a time? Shall we start with probably the easiest one, which is do we keep the five divisions of the year in that one option there, or just remove that one totally? Any comments on that? Nicole, Ms. Costa there, go right ahead.

MS. NICOLE LENGYEL COSTA: First, I just want to thank James and the PDT for putting together the memo, and I think we have talented people on the PDT, so I am very trustworthy in the options you guys are going to come up with. But I did have an overarching question about the intent of the addendum and

the quota periods. I think you mentioned on your first slide that it was the task to distribute the Bay Cap throughout the fishing season more evenly.

But when you look back at the motion, the motion was specifically to develop periods for the Bay Cap that distributes fishing effort more evenly throughout the season. It appears from the memo all the options the PDT has explored thus far focuses on harvest. Do you plan on also presenting options for effort, since effort is not always synonymous with harvest?

MR. BOYLE: My recollection of the discussion at the annual meeting regards there was a discussion on the definition between effort and harvest, and the clarification was that the word effort was to be synonymous with harvest as it was preferred to be on this meeting.

The intention we took from the Board was that the meaning was for harvest, to use landings as an indication of effort. While we would like to see some different options regarding next steps or something like that, then that can also be considered. But that is not the direction that we understood it so far.

CHAIR CLARK: Follow up, Nicole?

MS. COSTA: Yes, thank you. I think that's fine. I think it might be helpful to even include just a table that has average net sets for each sub period, just so we can see how effort does compare to the sub periods, if possible.

CHAIR CLARK: Thank you, Nicole, and I apologize, I should ask for questions first. Are there any other questions for James about this before we go into recommendations? Okay, I'm not seeing any. In that case, can we go back, oh sorry about that. We did have a question online. Go ahead, Mr. Minkiewicz.

MR. DREW MINKIEWICZ: Looking over this, I'm trying to figure out, well what is the problem we're trying to solve, and so then that can sort of guide us on how to best lay out different options to solve

that problem. Looking at the data provided on the catch rates between the reduction fishery and then the pound nets.

If since it was put forward that the reduction fishery is not negatively impacting the catch rates of the pound net fishery. But if you look at the graphs for the pound net fishery, especially in the '22 and '24 years they seem to be the ones of most concern. They seem to be pretty constant throughout the year once catch starts, and there doesn't seem to be a change in catch rate after the reduction fishery catch rate, so it starts off basically zero for the first part of the year, and then ramps up. Am I reading this correctly, or would you expect to see a change in catch rate if there was a relationship between the catch of the reduction fishery and the pound net fishery?

MR. BOYLE: I think you're referring to some of the figures in the memo. The PDT did note these are as included in the table in the slide that they are looking at cumulative catch as a way to cover for confidentiality, so these are not referring to overall landings. While they do talk about catch rate it is not including the fact that landings overall are significantly lower in '23 and '24, especially compared to previous years.

MR. MINKIEWICZ: No, I understand that landings are lower, but if the reduction fishery isn't fishing, then they wouldn't be impacting landings, correct? Then when the reduction fishery starts fishing, you don't see any change in the catch rate. What does that tell us?

MR. BOYLE: I will look into the catch rates and have a question for them; I am happy to do some further analysis.

MR. MINKIEWICZ: That would be great. I think that would be really helpful, because from my impression, you would expect to see a difference in the catch rate, you would see a different slope for the curve once you go from no fishing or no catch in the reduction fishery to

an increased catch in the reduction fishery. If there was an impact you would expect to see a difference in curve, right? I think some more analysis for everybody; I think that would be really helpful in trying to address these issues.

CHAIR CLARK: Thank you, Mr. Minkiewicz, any other questions? Nicole.

MS. COSTA: I just had a question on the number of sub periods. The PDT is recommending removing the five-period option, because there would be one sub period with three weeks and one sub period with four weeks. However, the four-period option also appears to have a sub period with three weeks.

Did the PDT discuss the minimum number of weeks that they would recommend be in a sub period in order to be manageable? I guess we would have to consider the quota reporting from the states, which I think at the minimum level for Virginia is they are doing daily reporting, but submitting reports weekly. Would it be four weeks is enough or five weeks?

MR. BOYLE: The PDT discussed it on our most recent call, and while they are hesitant to put forward a definitive number, we're still looking to some analysis for that. I do think a starting point would be five weeks; from other discussions we've had outside the meeting. But that is not set in stone, that is kind of rule of thumb we're going off right now as we can take a look at it.

CHAIR CLARK: Follow up.

MS. COSTA: Did they also discuss removing a four-period option in that case, since you would have one sub period with three weeks?

MR. BOYLE: No, I think it depends a lot on what is the type of option being developed. In the example there is a shorter period there, but also it depends on like how you are distributing that harvest as well, and if the periods can be changed in length and shifted around. Reflect ability of the one-third also could affect that as well.

CHAIR CLARK: Question from Allison Colden.

DR. ALLISON COLDEN: Thank you for putting this together and to the efforts of the PDT, and James, for your presentation. With respect to the quota period options that are currently included, do you have any further information on how those breakpoints were determined for the quota periods? How were those specific dates throughout the season chosen to switch from one quota period to another?

MR. BOYLE: Those represent equal or as close as possible within a week, equal distribution of harvest. For the three-period option, the first period would be a third of reduction harvest, the second period would be a second third of reduction harvest, on the average from 2018 to 2024 and then the last period being the last third and then 21%, 20%.

DR. COLDEN: Just for clarification. This is all based on current operations of the fishery, how it's currently working?

MR. BOYLE: Yes.

CHAIR CLARK: Any further questions before we start commenting on the options themselves? I'm not seeing any, so why don't we go back to what I jumped the gun to before, which is, what does the Board think about the five-period option? Rob LaFrance.

MR. ROB LaFRANCE: Thank you, and I also want to thank James and the whole PDT for everything they put together. I am open to looking at something other than the one-third cap, and that is the question we're trying to take a look at. What I guess I'm trying to understand is two questions.

One is, is this all going to begin in May? My things were all maybe a little bit different from what you're presenting now, there were some zero periods there. But I'm assuming we're starting in May and then going a third, a third, a

third, depending on which years you go, is that right?

MR. BOYLE: Yes, so the PDT, in the table is the whole calendar year, but the fishery only operates between May and November, so the PDT is looking at that range specifically for dividing it up throughout that whole range.

MR. LaFRANCE: Thank you, and so in general comments, I would be very open to taking a look at a more heavily weighted last period. Rather than just looking at a third, a third a third, maybe look at 25, 25, and 50 as another alternative to take a look at, because part of what we're trying to do here, I believe is to allow the ecosystem the time for some of these fish to grow and become bigger and become available for other harvest methods. I would be interested in looking at these perspectives with a 50% last period.

CHAIR CLARK: Okay, so you were addressing question number one up there on the quota period. I had jumped to number three, I see, but if people would rather discuss question number one that is fine too. Any other comments on this? Come on, somebody has got to have opinions. Doug.

MR. DOUGLAS E. GROUT: Yes, I would look at, I would be okay with getting rid of the five-period option. I think to give the PDT and the Board the flexibility of having different options. I would also not constrain them with the maximum of one-third of the cap in these quota periods, because if we went to something like what Robert suggested, 25, 25, 50. That would mean that middle period would be even shorter than five weeks, likely, which may be beyond what we can really monitor for our quota landings.

MR. LaFRANCE: I'll just respond by saying, that's what I guess I would like to see. I am trying to get a better feel for the fact that rather than a third, a third, a third and what that turns out to. I would like to look at other options, right. If it turns out that that is a problem, we'll at least know that the PDT can give us alternatives other than a third, a third a third. My 25, 25, 50 was just one example of

that. For clarity, I hope that was clear that I am looking for alternatives within that, not for the PDT to be constrained by a third, a third a third.

CHAIR CLARK: We got it, Rob, thanks. Yes, Joe Grist.

MR. JOSEPH GRIST: Just wanted to point out, just because of how we receive the daily, count the daily reports every week, oftentimes by mail. The more periods we build this into is going to make it more difficult for us to sit there and track a very small quota period and do the projections before the next on where we're going.

There may be some additional issues here, logistically for us, the tighter you make this to do it. But without us having to maybe change how we do our operations and actually spend some money, which I don't have right now, to make some type of upgrade to the system. Just something to keep in mind, the logistical side of us managing what is being asked for here could be a challenge, the more challenging we make whatever ends up in this addendum. You know, just want to point that out.

CHAIR CLARK: Joe, just to clarify. Are you saying the more periods the more challenge, but the amount of quota per period. Would that present a challenge also, or does that not matter? Just following up on what Rob said.

MR. GRIST: If it's a set amount. I think it comes down to provision and whether there are rollovers and how we deal with overages and everything else. We have to adapt to respond to what we're looking at too. But just the devil is in the details here. I'm just making that out. I'm not sitting here saying one way or the other on the five and three and four, I'm just saying the more complicated you make this the more complicated it becomes on our end. I just don't know what that means for us. We have to actually be able to implement it if we do something like this. We don't want to be set up for failure.

CHAIR CLARK: We have a couple of online comments, first is Drew Minkiewicz.

MR. MINKIEWICZ: I appreciate this, Mr. Chairman. Looking at this in permission in front of us right now. Over the five years, you know with the last two years there seems to be a significant change in the catch rates of the reduction fishery within the Bay. Fish seem to be entering the Bay later and staying longer.

You see significantly more catch later in the season in the last couple years, and significantly less than the beginning. With this change coming out, and this change seems to be part of the impetus for this addendum. I think it is in our interest to have a broader set of options to try to really hone in on what maybe is the new reality of fishing in the Bay.

I think the third, the third and third is probably too restrictive given this change, and now we should look at different options and be creative in how we look at it, to best address what seems to be maybe two years is a blip, but maybe this is the future of the fishery going forward. I think we need to be able to give ourselves the tools to address that new reality.

CHAIR CLARK: Just to be clear, you're talking about not limit each period to a third, but you're not commenting about the number of periods.

MR. MINKIEWICZ: Correct. I'm really of a belief of more of an all of the above strategy here of really putting out a lot of different ideas. This is a unique situation, it's a new process for this fishery and we seem to be going through changes. But I think that all screams for more options rather than less.

CHAIR CLARK: Next up we have Emerson Hasbrouck.

MR. EMERSON HASBROUCK: I've actually had my hand up for quite some time here. I initially raised it when Drew was talking, I don't know ten minutes or so ago about pound net landings, and I wanted to ask a question and make a comment relative to pound net landings.

But we've already moved into trying to address the questions that we have here from the PDT. Rather than disrupt the flow right now, Mr. Chairman, please come back to me before this agenda item is over, so I can raise that issue that I wanted to raise about ten minutes ago. Thank you.

CHAIR CLARK: Will do, Emerson. Okay, anybody else. Nicole.

MS. COSTA: Yes, given what Mr. Grist just said about the feasibility of managing sub periods, I think I would be fine removing the five-period option. But I also wonder if the PDT discussed or maybe there is Board interest in looking at periods that are equal lengths in time not equal distribution of harvest.

MR. BOYLE: The PDT hasn't reviewed that possibility yet, but is certainly open to the Board directing on that.

CHAIR CLARK: At this point, just to summarize, we're looking at, it doesn't seem like there is any objection to removing the five-period option, but for the three or four period option we want to look at varying amounts allocated per period and also varying amount of time per period. Was that it, Nicole?

MS. COSTA: It would be equal length of time, so for example with the three-period option you could have each period have nine or ten weeks, a four-period option they would be seven or eight weeks long.

CHAIR CLARK: Oh, I see. Instead of assigning the quota per period it would be more like the period itself would determine how much quota would be caught in that period.

MR. COSTA: Yes, I think James has an understanding.

CHAIR CLARK: Very good, very good. We've got that. Going back to the Board, any other comments? Mr. Luisi.

MR. MICHAEL LUISI: I support what Nicole just said. I think not only on the five-period option, I think we can get rid of that. There is no objection from me on that. Looking at the way that the periods are in the document now, the first one that we're looking at, which is the three period option.

If that is reflective of the current state of when those fish are caught, and you have some periods that are long and some periods that are short. To me it doesn't address the need to take the time periods that are the hot spots or that the focal point of when that fishery is being prosecuted and spreading it out over time.

In my opinion, that first option, that three-period option isn't doing anything to spread out catch over time, especially if there are rollovers that we'll have a discussion about at some point. But I do agree that if we were to establish consistent nine- or ten-week periods for the entirety of the season and then use the one third, one third, one third approach within that type of setup.

Then we would be essentially taking what right now is a six-week quota period in the summer, which is a critical point in time for the Bay. It takes that six weeks, it takes that one-third of the quota that has been caught during that time in recent years and spreads it out into ten weeks. The local depletion and the effort that is going in at that time then gets diffused into more time.

I agree, I think that is something that the PDT should develop and work on. I know you're not working on doing consensus right now, but if we get to the point where we need a motion, I would be happy to make a motion about that.

CHAIR CLARK: No, we don't need motions and we're just looking for advice right now that the Board agrees to. I think everybody has been pretty much in agreement with what we've got so far. We're still working on these first two questions. Is there any further comment here, and I believe Emerson wanted to come back in on this one, if there are no further comments. I'm not seeing any

around the Board, so Emerson why don't you go ahead again.

MR. HASBROUCK: What I wanted to briefly discuss here is, James there was a graphic in the PDT memo that showed pound net landings over time. Do you have that available?

MR. BOYLE: I don't have it in the slides, but I do have the memo open to sort of see what you're referring to.

MR. HASBROUCK: Can you share that on the screen, or no?

MS. KERNS: It's going to take us a minute, but we 'll get it up there, Emerson, if you want to start talking about it.

MR. HASBROUCK: It would be easier to talk about it, I guess, if it's on the screen. What I wanted to mention, and I'm mentioning it now because it is in the PDT memo, is that if you took the inshore Bay pound net landings for New York, as well as the inshore Bay beach seine landings, both for menhaden, and overlaid it on the graphic you have for Chesapeake Bay pound nets for the different states, it would correlate quite well.

Yes, if you overlaid the New York pound net and beach seine bait fishery over that graphic, starting, yes in the 2021, 2022 timeline when we were up at around 4 million pounds in New York, and now we're down to less than a half a million pounds, it would overlay perfectly on that graphic. Again, I'm raising the issue now, because it is in the PDT memo.

I think something else is going on here. I mean it certainly may be related to the reduction fishery in the Chesapeake, but this issue goes beyond the Chesapeake. I'm going to raise it in the agenda item in a little while here on the TC presentation on environmental issues, but I just wanted to kind of queue it up here, because this graphic was in the PDT memo. Just keep

that in mind, I'm going to raise the issue here in a couple minutes again.

CHAIR CLARK: Back to the table here and I see Allison Colden.

DR. COLDEN: I had another comment that was more related to the statement of the problem for this portion of the PDT memo, so I was wondering if I could share that at this point. It wasn't related to the question.

CHAIR CLARK: Sure.

DR. COLDEN: Emerson actually set it up pretty well. The PDT does show pound net landings as well as reduction fishery landings and then obviously Table 1, which we've been looking at with respect to development of these quota periods shows cumulative harvest over time. What I think is missing here, which was really part of the discussion at the last meeting that kicked off this addendum is the catch-per-unit effort information that was included in the Chesapeake Bay Workgroup Report, which obviously since we have that information, I think is more informative than the cumulative landings on their own or the harvest the catch on its own. I did think the statement of the problem was a little bit light on the bait fishery side of the description of some of the CPUE data that we reviewed at the last meeting, so I would love if that could be expounded upon in the next draft of the memo. But it also suggests that we include some of that information in addition to or in place of things that are just looking at catch alone or effort alone, because I think it is more informative. Similarly, you know we're looking at cumulative landings.

But what is not reflected there is the quota attainment, and that is what has been absolutely abysmal for our pound net fisheries, not just in Maryland but also with PRFC and Virginia, which is shown in that graph. I think it tells a more holistic picture if we can add a little bit more of those data pieces in there in the background and statement of the problem.

CHAIR CLARK: This would be in addition. The PDT would include this in the next memo; any document would have the CPUE and the attainment of quota. Okay. Anybody else have comments? For the PDT on this issue. We have online Drew Minkiewicz. Go right ahead, Mr. Minkiewicz.

MR. MINKIEWICZ: I would also ask that the PDT include historical numbers of pound net fishery participants. I believe that is publicly available information, because I think we need to get the whole picture. It would be interesting to see just how many pound nets are being tended to, how many people are participating in the fishery as well.

CHAIR CLARK: Okay, so these are all additions to any draft addendum, correct, James. Got it. Back to the quota periods. Do we have enough direction here for the PDT? We can move on then to overages and rollovers. Now let's move on to the last two questions there, the overages and the rollovers. What is the will of the Board on this one, any hands? Okay, Rob LaFrance.

MR. LaFRANCE: I do want to see an additional question that I don't think was added in, I think we're in the right section now, is when you take a look at the portion in the middle, talking about overages and paybacks. The PDT can consider an option for overage, how it should be paid back in the event the fishery exceeds the sub allocation. You have payback, you have payback, but you don't have an option for no payback.

I guess my point would be is if you were over in a particular period, I would like to see the option of if you were over, you've lost that from an allocation, you don't get to get that back. I guess that would be more in the overage section. I would like to see that option considered. If you go over in the period that you are there you lose that allocation. That is what I would like to see happen.

CHAIR CLARK: What do you mean lose? The payback would mean like in the next period you would have less. It would come out of the next period's quota.

MR. LaFRANCE: You're deducting it from the next period's quota, maybe I'm misunderstanding.

CHAIR CLARK: Right, so the payback would be if you go over in this period the Board could say, then you will pay it back in the next period or the next two periods. Similarly, if you are under quota, do you want a rollover to allow them to get more to the next period or the next two periods.

MR. LaFRANCE: I guess I'm not being clear, but what I am trying to say is, you shouldn't be allowed to go over in that quota, in that quota period, because that is defeating the purpose.

CHAIR CLARK: Right, well I mean that is why there is going to be sub quotas, but as we know at times quotas do get exceeded for various reasons. That is why we're asking whether it should be payback or rollover. Nichola Meserve.

MS. NICHOLA MESERVE: On the subject of the overage paybacks. The two options presented here don't really address if there were an overage in the final period, would we want to roll it forward or take it off of the next. It seems like it's missing an option that would apply the payback in the subsequent year.

CHAIR CLARK: Would you like to suggest that we add that? So that should be added to the PDT direction and Dave, did I see your hand?

MR. DAVID V.D. BORDEN: I would think if there is an overage you apply it to the remaining periods equally, and Nicole can correct us if this is wrong. I think that is the process we use in the state of Rhode Island. It's part of overages, but I think that is an entirely separate issue, just has been pointed out we need to discuss that.

CHAIR CLARK: Just to clarify, you're saying that if there is overage in period one, for example, then

you take an equal amount out of periods two and three if there were three periods. Okay, just want to be clear on that. Any other comments? Joe Grist and then Megan Ware.

MR. GRIST: Just to clarify, we already have the regulations about payback of Bay Cap if there is any overage in a year they have to pay back in the next year. That is already in our regulations. That is pretty standard. They just can't have an overage and not have to pay it back. They have to pay it back the next year.

CHAIR CLARK: In this case then, if the overage was in the last third of the year it would be taken off the first period in the next year.

MR. GRIST: You're talking about the management of both basically sectors, and then overall end of the season. The overall end of the season is the ultimate overage. If there was an overall overage at the end of the year, it's going to have to come back out from the next year.

CHAIR CLARK: No, I get that. I think the point was, just wanted to make sure that would happen, and so what you're saying is it will happen.

MR. GRIST: Yes, it's already in our regulations.

CHAIR CLARK: We don't need to belabor that point now. Megan, you're up and then Allison.

MS. MEGAN WARE: I'm wondering if James could maybe just provide a little more color to the PDT conversation on rollovers and overages, because my sense is rollovers to the subsequent period or paybacks in the subsequent period allow for more bunching of landings, as opposed to trying to spread that out equally, if that is the goal of the addendum.

MR. BOYLE: Yes, I understand that concern. I think mostly the PDT, since there was no Board directive we were trying to think of all the different possibilities and put them out there

for the Board to consider and remove if some didn't seem to fit the intention of the addendum.

MS. WARE: Yes, also I think the combination of options here could result in a situation where you could actually bunch quota quite easily into one period versus another. That may be something for the PDT to consider, in terms of how these options can be paired together.

CHAIR CLARK: Did you want to suggest something, Megan? Something to be taken out or something to be considered? Just ask them to look at the bunching possibility.

MS. WARE: I think it's more the combination of options, so I don't have anything to take out at this point, but just raising that as a concern.

CHAIR CLARK: Allison.

DR. COLDEN: I realize this may be a violation, since you just said we don't want to belabor this point. But I think it's important to clarify Nichola's suggestion, and then the response from Joe, because I think we're talking about two different things. Obviously, the FMP includes the stipulation that there are no rollovers for an overage of the overall Bay Cap from year to year.

But I believe, and please correct me if I'm wrong, Nichola, but what you were suggesting is that within the final quota period if there is an overage, regardless of whether or not there is a total overall overage of the Bay Cap, that that last period quota overage would be taken off the front side of the following year. I think there were two different discussions happening with respect to the regulations, and perhaps what I thought was being suggested.

CHAIR CLARK: Oh, I see what you were saying. In other words, like periods one and two were under, but period three was over and then that would be taken off. In that case, there would be no rollovers, but an overage in the final period would still count as an overage that would have to be accounted for

in the following year. Got it. Further comments, suggestions? Nicole.

MS. COSTA: Going back to that, I think there are multiple ways to achieve that. When you have an overage in the last sub period, you can either A, take it off next year's annual quota or TAC and then just distribute your quota throughout your sub period based on your allocations for each sub period with what you have remaining for your quota.

The other option is if you have an overage in the last sub period then you can penalize the last sub period in the following year. You could always just take it out of the last sub period the following year. I do think that is something that needs to be thought about a little bit more, as there is not just one way to do it.

CHAIR CLARK: Yes, so there are plenty of options for the PDT to develop here and Nichole.

MS. MESERVE: Just to clarify, I think that could potentially be an option for each of the sub periods, but it wouldn't be paid back in that year, but it could be the next year for each sub period. I don't know if the PDT already ruled that out for some reason. Maybe I'm missing something. But if that could just be something to discuss and see if that is a viable option as well.

CHAIR CLARK: Okay, James said they did not rule that out, so that is a valid option also, Nichola. Then Rob.

MR. LaFRANCE: I think Nichola was going to what I was trying to get to, which is if the overages are in a particular time of year, having them in the next year at that same time makes sense. I'll also propose something, which may be beyond our possibility of discussion.

But should there be a penalty when you go over, so that you don't get all of that overage in the next year or in the next period? Taking it

out of sequence gets to I think the issue that Megan was talking about. You are scrunching those takes all in one timeframe, and there should be a disincentive for that not like a neutral impact.

CHAIR CLARK: Right, I think that point has been made, Rob, that they will look at bunching on that. I think we've gotten a lot of ideas here, suggestions for the PDT, but we're still on the second set of questions there about the overages and rollovers, so is there any further suggestions for the PDT about the overages and rollovers?

I am not seeing any, and I believe we've already taken care of well, just the number two there, James, other options the Board wants added/removed. Is that just specific to the rollovers/overages or is this in general anything else that anybody thinks has been missed on the option side?

MR. BOYLE: It was referring to the overage and rollovers, but we seem to be having a lot of feedback here that is really helpful. But certainly, if there is anything else remaining for other options also, happy to hear that, including for the percentages as well if they want to see further options for analysis. The PDT figured the 10 to 50 divisions was sufficient.

CHAIR CLARK: Okay, so I guess in that case we can move on to the Bay Cap reduction options. That was a question though, right, was whether we wanted to retain all the Bay Cap reduction options or to remove a couple of them. I think they went from 10 to 50 percent reductions.

Just looking to the Board, any thoughts about the Bay Cap reductions? Okay, seeing none; we'll just keep in all the options that were in the PDT memo. Okay, well the timing. James has corrected me; we have covered it all. Before we leave this agenda item, I just want to ask for one final chance to make a comment and Rob LaFrance.

MR. LaFRANCE: I do think there was some discussion at the beginning of this about whether or not we wanted to talk about the relationship that

when the coastwide cap TAC is reduced, whether that would also have sort of a relationship with the Bay Cap. I just raised that, because I thought it was part of the conversation.

I am also interested, because right now the Bay Cap is independent of the coast cap. I guess we'll be looking at that in the options, because we'll have a 20% reduction in the Bay Cap as an option. But tethering those together into future TAC reductions is something I think we should at least be considering.

CHAIR CLARK: Is that something that requires more than just a single addendum?

MR. BOYLE: Yes, that was definitely something the PDT had talked about. As we talked about at the PDT, it was something that the Board had discussed and voted down at the last meeting, but it is something the Board could, if they are interested in bringing it back again that is certainly a possibility.

The PDT thought it would be efficient in some ways, especially considering the time it takes to implement a new Bay Cap within the addendum process to have it set in some other fashion that was quicker or tied to the TAC in some way. As far as instruction from the Board, the PDT knows the Board has turned that down for now, unless it was reconsidered.

CHAIR CLARK: First, I'll go to Nicole.

MS. COSTA: Since the Board voted that down at the last meeting, is that something that would require a motion with two-thirds to revisit?

MS. KERNS: No, it would not be two-thirds at the new meeting, it was not final action.

CHAIR CLARK: Just to refresh. The reason that we didn't pursue that was because linking the two would go back to the amendment. What was the?

MS. KERNS: I would have to go back through the minutes, unless James remembers what the rationale was for why. But Lynn provided a rationale, I believe. There is nothing in the document that wouldn't allow it to be linked to the TAC, and then it would go up and down proportionately with the TAC.

CHAIR CLARK: Okay, I thought there was something, I guess I'm misremembering, but Roy Miller.

MR. ROY W. MILLER: Can you clarify for me what relationship there is of any to reductions in the Bay Cap with regard to the coastwide Cap? In other words, if there is a Bay Cap, additional Bay Cap of let's say 20%, is the coastwide Cap affected by that or can they make up the difference by adding on to the coastwide Cap?

MR. BOYLE: They are not linked in any way. The 51,000 metric tons of the Bay Cap is a subset of the coastwide TAC but it just limits how much is caught in the Bay, so the TAC changes independently of the Cap and vice versa.

CHAIR CLARK: We have Drew Minkiewicz online.

MR. MINKIEWICZ: I just want to follow on that point. Is the purpose of this portion of the addendum somehow link the Bay Cap to the overall coastwide Cap? You just talk about this reduction and the cap has been in place for 20 years, the overall coastwide cap has gone up and down in that time, and this is sort of ratcheted down over the years.

But what is the intent here, is it to just reduce the Bay Cap full stop, or is it to somehow link it to the overall coastwide cap, and then that really should be something where it rises and falls as the coastwide cap does, which established before us. Being new to the Board here I just wanted some clarification on that, because I am not understanding the rationale behind this, if it's not just to the coastwide cap then let's link it to the coastwide cap.

CHIAR CLARK: Right, so the options we're discussing here, Drew, are that the PDT has percentage reductions of the Bay Cap itself and the question came up here that we're now talking about is whether the Bay Cap should be linked to the overall TAC. For right now that was not put into the list of items that the PDT was considering, and based on the conversation now, I don't believe we are adding that, or am I wrong? Does anybody want that pursued further?

MR. LaFRANCE: Since I raised the question, I'll just respond. I apologize, I just raised it as a point of reference, historical consideration, not that it needs to be part of the current process. I think the current process is moving along well and I think we need to allow it to continue, before we try to make the link or not or not make the link.

MR. MINKIEWICZ: Just some point of clarification, sorry, Mr. Chairman, if you can indulge me. The point of this Addendum is to reduce the Bay Cap, just for the sake of reducing the Bay Cap. That is all we're doing here.

CHAIR CLARK: Yes, there are options to reduce the Bay Cap without it in relation to the TAC, correct. Anything else, or have we completed this item? It looks like we have completed this item. Thanks everybody for the good discussion of that. Now we move on to Item Number 5, which is the Advisory Panel Report on 2025 Single-Species and Ecological Reference Points Stock Assessments. Meghan Lapp, the Chair of the Advisory Panel will be giving us a report on that, so take it away, Meghan.

ADVISORY PANEL REPORT ON 2025 SINGLE-SPECIES AND ECOLOGICAL REFERENCE POINTS STOCK ASSESSMENTS

MS. MEGHAN LAPP: The Advisory Panel met on January 8. We had 3 AP members in attendance. One additional AP member commented via e-mail after the meeting. I will

point out that we have 18 AP members, but only 3 attended. Repopulating some of those dormant seats might be something that the Board wants to consider. We did have a lot of members of the public who attended. We had 14 members of the public in attendance, and we reviewed the results of the 2025 Ecological Reference Points stock assessment and the single species assessment update. We had 2 AP members who advocated for maintaining the 2026 TAC for '27 and '28, and rejecting further cuts to the TAC. One AP member recommended that for the next ERP benchmark assessment a multispecies statistical catch at age model would be considered as an alternative to the current MICE model.

One AP member noted that none of the surveys included in the assessment occurred north of Rhode Island, but observed increased availability of menhaden in Massachusetts, kind of suggesting that the biomass is larger than what the assessment is considering and advocated for reallocation of quota to the New England states, citing bait needs while supporting the ecosystem model.

No motions were made for lack of a quorum. We had 6 public comments. There was general support for preventing future cuts to the TAC. We had general support from the public for considering reallocation to New England states, particularly Maine, raising the bait issues there. There was also public concern that the surveys used in the assessment don't occur north of Rhode Island, and most of the public commenters came from Maine, and they said that there was a lot of fish in that region.

They also raised concern regarding lack of coastwide and/or state quota utilization. There was some discussion about that. And so suggested that if we do have another AP meeting on anything to do with reallocation it would be useful to have that data in front of us, so that it isn't just folks' kind of making allegations, but we actually have some numbers that we can discuss. That was basically it, I am happy to take any questions from the Board.

CHAIR CLARK: Any questions for Meghan and the AP Report?

MS. MESERVE: Not a question, Mr. Chair, but a comment if I may. I just wanted to support the Advisory Panel's request to look at the quota utilization trends and have a meeting prior to the Board's October meeting, when we'll have the reallocation revisit on our agenda and some Advisory Panel input would be helpful for that discussion.

CHAIR CLARK: Any further questions for Meghan? Not seeing one. One of the comments that came up had to do with the methodology used in the multispecies assessment. Katie, would you be able to address that?

DR. KATIE DREW: Sure, the recommendation was to continue development of the multispecies statistical catch at age as opposed to the EwE model that we currently use, and I think the intent of the Committee is to continue developing sort of supportive or alternative models as we go forward.

You know we struggled a little bit with the multispecies statistical catch at age in incorporating the true bottom-up effects of menhaden on the predators and not just the effective predators on menhaden. That's why it has never kind of been the final model to choose, but there are definitely some benefits to that model that if we can get this linkage more robustly developed that we would certainly consider that from the table as we go forward.

CHAIR CLARK: I know we've been talking about it through the past several multispecies assessments. Is it getting closer or is it still one of those so difficult that like going to Mars it's five years in the future?

DR. DREW: We've made progress, but I would say yes, it's not clear to us if we will have something that could pass peer review by the

time we get to the next assessment, especially not something that fully incorporates the spatial dynamics that the Board is interested in.

I think we certainly understand the APs interest in that, and we agree that there are benefits to that type of modeling framework. If we could get it to work that would be beneficial down the line, so we'll continue to work on it. But we just want to maybe set expectations that it is definitely a real challenge for this system.

CHAIR CLARK: We'll probably need a dedicated data center just to process all that. We don't have the electricity, sorry.

PROGRESS UPDATE ON TECHNICAL COMMITTEE TASKING ON CHANGING ENVIRONMENTAL CONDITIONS

CHAIR CLARK: Next up then we have Progress Update on Technical Committee Tasking on Changing Environmental Conditions, and that is Technical Committee Chair Caitlin Craig, and Caitlin, are you ready to present?

MS. CAITLIN CRAIG: Today I will be discussing the progress of several tasks that were assigned to the TC by the Board at prior meetings. The first of these tasks was to one, evaluate the information available from NOAAs Ecosystem Dynamics and Assessment Branch and Chesapeake Bay Office, and the Woods Hole Oceanographic Institution, to evaluate the possible effect of cold water on the Continental Shelf on menhaden migration and migratory patterns, particularly in relation to the timing of osprey arrivals, nesting and breeding.

The second is to consider what role water temperature, dissolved oxygen levels, shoreline hardening and other environmental factors play in the local abundance of menhaden and other forage species in the Chesapeake Bay. The TC met in early January, and we discussed several different avenues to take in pursuing this task, including a literature review, a correlation analysis and a spatial distribution model.

But upon weighing out the pros and cons of those three different approaches, the TC came to a consensus that at this time it makes the most sense to move forward with doing a review of the existing literature. The topics of this literature review will include cold water patterns in the Bay and the Coast, for example looking at ecosystem reports.

Timing of osprey arrival, nesting and breeding, menhaden preferences for temperature, dissolved oxygen and other environmental factors and other forage fish environmental preferences, including Atlantic herring, river herring, bay anchovy and some other species if applicable.

The TC will have a follow up call in mid-March, where we will discuss the findings from this literature review, and then the plan will be to update the Board with these findings at the 2026 spring meeting. The second task that was discussed by the TC was to review the current bait sampling requirements that are in place. This was brought about by the states asking if the current bait sampling requirements are still appropriate. ASMFC staff replicated the 2012 analysis, and then this resulted in the recommended sample sizes being higher than what was recommended in the original 2012 analysis. For the New England and the Mid-Atlantic region, it was pretty close to the current sampling requirements of the 10 fish per 300 metric tons, but for the Chesapeake Bay the results were much higher sampling requirement.

The TC discussed that they would like to explore additional analysis, including what was done by Nesslage et al. and then used to revisit the reduction fishery sampling requirements. One issue that was discussed by the TC was that menhaden bait aging is currently in transition to the state aging labs from the NOAA Lab in Beaufort.

There have been some delays in fully moving aging to the state labs if the aging exchange and

the aging workshops have resulted in a lot of variance and discrepancies and in ages across labs. The work on improving consistency across labs is still ongoing, and we are making progress but it hasn't been finalized, so the states have not fully taken over aging.

The TC discussed if this would impact timing of the analysis or if it would impact the analysis itself. Currently all available bait ages do come from NOAA, so would the recommendations for sample sizes that come from NOAA ages, which just has the sole ager, still be applicable to future samples that are going to be aged by the states, which would have multiple agers.

For the next steps the TC decided to maintain the current sampling levels and pause any additional analyses, until we have an acceptable dataset of state bait ages. Then additionally, the TC noted that in the northern end of the range where there tend to be larger menhaden there is also greater variance on the ages within a certain size range. The TC will have to, or we will consider possibly having different sample sizes by regions once the analysis for these resumes. That's all I have for the presentation, so I am happy to take any questions.

CHAIR CLARK: Thank you, Caitlin. If I recall, Emerson had a question about the environmental conditions, so why don't we go to him. Then if there are other questions from the Board, why don't we start with the environmental questions and then we'll go to the sampling.

MR. HASBROUCK: Thank you, Caitlin, for your presentation. If you can recall on the graphic that I had asked James to put up. I mentioned how if you took New York's pound net and beach seine bait fishery and overlaid it on that graphic it would match up pretty well with what is going on in the Chesapeake.

There is something going on in the Bays of Long Island, particularly the eastern bays of Long Island, maybe south shore and western bays as well, but the fishery doesn't take place there. I don't know if

there has been an issue in Rhode Island as well, with the pound net fishery catch for menhaden.

In the tasks, Task 2 was to consider what role water temperature, dissolved oxygen levels, shoreline hardening and other environmental factors play in the local abundance of menhaden and other forage species in the Chesapeake Bay. I would like to see that expanded to include at least eastern Long Island Bays as well. What is the process if I would like to do that? Do you need a motion to do that, Mr. Chairman? How should I proceed here?

CHAIR CLARK: Oh, oh, that is a very good question. Let me turn that over to Commission staff. Just TC tasking, I've been told, so simple as pie. Did you already get that, James? Wow, already taken care of, Emerson.

MR. HASBROUCK: Wow, that's probably the easiest thing I've done yet.

CHAIR CLARK: Okay, do we have any other questions? Okay, Drew Minkiewicz online.

MR. MINKIEWICZ: Just in reviewing the TC memo, thank you. There is a line that caught my interest in the first full paragraphs after the two bullet points, particularly the disconnect between the targeted ages and sizes between osprey and the fishery. Can you please expand on that line, what you are getting at there, please? Thank you.

MS. CRAIG: Katie, do you have an answer for that one?

DR. DREW: I think there is kind of the question of what size classes are most relevant, you know what chunk of the population are osprey and other predators feeding on versus what percent of the population or what age groups the fishery is mostly operating on. I think kind of the question is, it's not just about total availability.

It's about availability of the preferred size classes for the predators, the preferred size classes for the fishery, and understanding sort of the availability of things like, if recruitment is driven by temperature and water and salinity and things like that. But the young recruit, the young of year is not necessarily what osprey or the fishery is most interested in. I think the emphasis was just, you know as we go through this literature review.

We want to make sure that we are understanding the factors that are affecting different age groups within the population, so that we're making the right conclusions about that. Then depending on the availability of information on say environmental preferences of larger, older menhaden versus the availability of data on environmental preferences or environmental factors that are driving recruitment. Our ability to draw inferences may be limited. But I think it's just to kind of highlight some of the potential questions and data needs as we go through this process.

MR. MINKIEWICZ: Okay, thank you very much, appreciate it.

CHAIR CLARK: Thanks, Katie, and thank you, Drew. Are there further questions for Caitlin about the environmental factors? Joe Cimino.

MR. JOE CIMINO: I think the TC has enough to deal with already. I just haven't heard any discussion. I think some recent work has come out about the changing SAV within the Bay, particularly, but obviously this is a coastal issue of kind of a switch from eel grass to widgeon grass and the productivity of that for species. To me it is more of an issue maybe for osprey, but I haven't heard anything about it, and I do think that is also something that needs to be tracked in others. I think that research suggested that there is greater than a 50% reduction in invertebrate biomass in those areas. Obviously, that forage for other species becomes an issue. I just think it's something for the TC to track as well.

CHAIR CLARK: Did you get all that, Caitlin? Okay, and we have a question from Craig Pugh, go right ahead, Craig.

MR. CRAIG D. PUGH: Question after Joe's comment. Locally we see a lot of changing of our grasses also. Not really knowing what causes that. But the one thing I've watched build has been the vibrio. Bacteria seems to have built year after year. In 2025 at the fourth of July, it was determined from Long Island to Rehoboth Beach, Delaware, vibrio was detected along those coastlines.

That is alarming me, impressive but alarming and still working out what the impacts may be of those bacterial loads being dumped into all of our estuaries. It seems like we're all guilty of that with the Chesapeake, Hudson River, wherever. How does that impact, the fecundity, how does that impact young of year?

To me, I would think if it's swimming around in that heavy bacteria load that seems to be fertilizing the bottoms, as we see it. Then it is having some kind of large impact on a great big scale. I'm not sure how we approach this, but it is something that concerns me.

CHAIR CLARK: Thanks, Craig, and Caitlin, I assume you got that comment?

MS. CRAIG: Yes, I did, thank you.

CHAIR CLARK: Anything further about the environmental conditions? Not seeing any; are there any questions about the bait sampling? I had one question, Caitlin. Did you say that NOAA only had one ager that did all their menhaden aging?

MS. CRAIG: I believe, at least historically, I don't know if there was one more, but it has usually been one person, I believe, please correct me if I'm wrong, anyone.

CHAIR CLARK: It's been a while since I've aged, but I remember we always used to do duplicate,

you know have at least two people age it to come to a conclusion about the age. Oh, go right ahead, Nicole.

MS. COSTA: I think at any given time there was only a single ager, and historically there was one age for a very long time, Ethel, who many of us know. Then when Ethel retired Amanda took over. There have been two agers, but there weren't two agers at the same time.

CHAIR CLARK: Got it, okay. Just like I said, just curious about that. Any other questions about the aging or the number of samples that are being recommended? Not seeing any, okay. Well, I guess in that case that concludes Item Number 6. Thank you, Caitlin.

OTHER BUSINESS

CHAIR CLARK: That brings us on to Other Business, and Bob, you have some other business?

EXECUTIVE DIRECTOR ROBERT E. BEAL: Yes, just a quick update. I think it's been referenced a couple times this week that in the latest CJS budget that was approved and signed by the President at the end of January. There is two and a half million dollars in that budget for menhaden research within the Chesapeake Bay.

We anticipate that that money will be moved to ASMFC, and then ASMFC will have the responsibility of prioritizing projects and potentially issuing RFPs and selecting projects and conducting that or facilitating the conduct of that research. The primary road map for that will be the research planning document that was developed at the Virginia Institute of Marine Science in October of 2023.

That was developed by a group of state scientists from Maryland and Virginia, academics representatives from the reduction fishery, bait fishery, recreational fishery, at least one environmental interest was on it, so it is a pretty broad group of individuals that developed that, what I call the road map for menhaden research in

the Bay. That is going to be the primary starting point, essentially, for prioritizing menhaden projects within the Bay. There is also a SCMFIS project.

CHAIR CLARK: Bob, was this the study that Virginia was going to fund but their legislature did not fund?

EXECUTIVE DIRECTOR BEAL: Yes.

CHAIR CLARK: It worked out well for them.

EXECUTIVE DIRECTOR BEAL: Well, they still have a bill in the legislation. To continue, there is a SKEMFIS project that is going on right now that is being conducted by a number of the same scientists that participated in the VIMS survey design. They are going to do some further work on designing menhaden projects for the Chesapeake Bay.

I think there may be value in having some money. The federal dollars go towards priorities that have already been identified. New priorities are identified with the next effort to plan, and funding is available through the Commonwealth of Virginia. Maybe that pot of money can help with that research.

In vision, and we haven't done any of this yet, but the development of some sort of steering committee at the Commission to prioritize projects, develop RFPs potentially, select projects and sort of administer this work. We don't have access to the money yet. It has been approved, but where there are a few steps before we can actually start planning and soliciting projects. But I just want to give everyone a heads up. We know the money is coming and we are setting up a plan to start distributing that money and getting the work done.

CHAIR CLARK: Thanks, Bob, anybody have any questions for Bob? I see Bill Hyatt.

MR. WILLIAM A. HYATT: Bob, this is a question for you or maybe somebody else in the room might know the answer. My understanding is that that study that was 2.5 million back in 2023 is guesstimated at 3 million now. I'm thinking just even for the existing work that was proposed that there would be a need for additional money. Am I thinking of that correctly?

EXECUTIVE DIRECTOR BEAL: Everything has gone up in the last few years. I think that may be part of the job of this, what I'm calling a steering committee, to figure out. You know if we don't have enough money to fully fund all the pieces of that VIMS design, what pieces are the priority and what should be funded if we can't fund the whole thing?

CHAIR CLARK: I see Dennis Abbott and then Rob LaFrance. Go ahead, Dennis.

MR. DENNIS ABBOTT: As a closing note, I assume this is your last meeting as Board Chair.

CHAIR CLARK: That is true, yes, it is. But before we get to that, I think, Rob, did you have a question for Bob?

MR. LaFRANCE: I did, just a quick one. I didn't hear, Bob, how much money are you thinking we'll be able to get in this go around from what you described?

EXECUTIVE DIRECTOR BEAL: The best number I can give you is Congress has appropriated 2.5 million. We don't know exactly how much of that is going to come to ASMFC. We assume most if not all of that, but it has to work its way through NOAA then come to us. I am not being critical, I'm just unsure what may happen between Congress and ASMFC.

MR. LaFRANCE: That's not being critical, and great work in getting that money for us, Bob, thank you.

CHAIR CLARK: I'm sure Delaware has some things we would like to add. You go up to Capitol Hill and ask. Back to you, Dennis.

MR. ABBOTT: Sorry to interrupt at the wrong time. But knowing that this is your last meeting, I think that we as Board members owe you, you know our praise for the difficulties and all the solid leadership that you've exhibited during your term as Chair. You've done a heck of a good job. Thank you, John.

CHAIR CLARK: Well, thank you very much, Dennis. (Applause) Good to know that my semi-competent chairmanship here has been appreciated. I really appreciate the Board and all the public that we've had come out to these meetings. It has really been a very interesting process.

I got to sit in on all the working group meetings, and really just so much information out there about menhaden, but still so much we don't know. This process will certainly continue to be interesting, so thanks. Is there any other business to come before the Board? How do you like that? Not only are we done, but we are done early, and next meeting is all yours, Joe.

MR. CIMINO: I was going to say, who's the moron that decided to take that. Thanks, John, appreciate it.

EXECUTIVE DIRECTOR BEAL: Just before everyone gets up and runs away, we're going to start the Summer Flounder, Scup, Black Sea Bass meeting in about 15 minutes, so we'll get that started a little bit early and see if we can get done early, 3:20, 3:20 it is. Just also, don't forget, this is the first coastwide board of the day.

I want to remind everyone there is a card over, kind of behind Mike Luisi where he is standing there for Mel Bell. If you haven't yet, please sign the card for Mel, he is still recovering. He's got a long way to go. He is doing better. He is in a rehab facility, he is out of the hospital and he's continuing to make great strides.

The feeding tube has been removed; he is eating on his own and all these positive things.

He's up a little bit trying to walk and make progress through physical therapy and occupational therapy and all these things. He is still fighting really hard to get better. I think support from the Commission and folks in this room would be really great for Bell to hear. Please sign the card, and Mel would definitely appreciate it. Thank you.

ADJOURNMENT

CHAIR CLARK: Thank you, and we are adjourned.

(Whereupon the meeting adjourned at 2:54 p.m. on Wednesday, February 4, 2026)