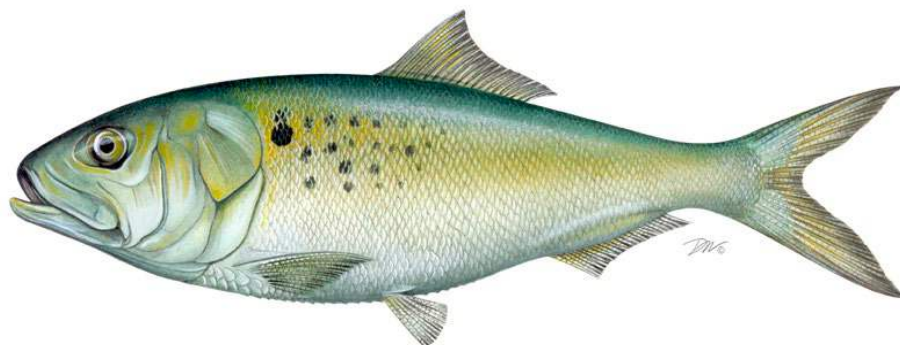


Draft Document for Public Comment

Atlantic States Marine Fisheries Commission

DRAFT ADDENDUM II TO AMENDMENT 3 OF THE ATLANTIC MENHADEN INTERSTATE FISHERY MANAGEMENT PLAN FOR PUBLIC COMMENT

Chesapeake Bay Reduction Fishery



August 2026



Sustainable and Cooperative Management of Atlantic Coastal Fisheries

Draft Document for Public Comment

Atlantic States Marine Fisheries Commission Seeks Your Input on Atlantic Menhaden Management

The public is encouraged to submit comments regarding this document during the public comment period. Comments will be accepted until 11:59 p.m. EST on **October 9, 2026**. Regardless of when they were sent, comments received after that time will not be included in the official record.

You may submit public comment in one or more of the following ways (see [Action Tracker page](#) for hearing schedule, survey link, and comments box):

1. Attend public hearings pertinent to your state or jurisdiction (see [Action Tracker page](#) for hearing schedule).
2. Online via the public comment survey.
3. Online via comment box.
4. Email: comments@asmfc.org (subject line: Atlantic Menhaden Draft Addendum II)
5. Mail written comments to the following address:

James Boyle
Fishery Management Plan Coordinator
Atlantic States Marine Fisheries Commission
1050 North Highland St., Suite 200 A-N
Arlington, Virginia 22201
Fax: (703) 842-0741

If you have any questions please contact James Boyle at jboyle@asmfc.org or 703.842.0740.

Commission's Process and Timeline

Date	Action
October 2025	Atlantic Menhaden Board Initiates Draft Addendum II
November 2025 – July 2026	Plan Development Team Develops Draft Addendum II for Board Review
August 2026	Atlantic Menhaden Board Reviews Draft Addendum II and Considers Its Approval for Public Comment
August– October 2026	Public Comment Period, including Public Hearings
November 2026	Board Reviews Public Comment, Selects Management Options and Considers Final Approval of Addendum II
TBD	Provisions of Addendum II are Implemented

Draft Document for Public Comment

1. INTRODUCTION

The Atlantic States Marine Fisheries Commission (ASMFC) coordinates Atlantic menhaden (*Brevoortia tyrannus*) management in state waters (0–3 miles from shore) under the authority of the Atlantic Coastal Fisheries Cooperative Management Act and has done so through an Interstate Fishery Management Plan (FMP) since 1981. The states of Maine through Florida have a declared interest in the fishery and are responsible for implementing management measures consistent with the FMP. For the purposes of this draft addendum, the term “state” or “states” also includes the Potomac River Fisheries Commission (PRFC). Management authority in the Exclusive Economic Zone (3-200 miles from shore) lies with NOAA Fisheries.

At its October 2025 meeting, the ASMFC’s Atlantic Menhaden Management Board (Board) approved the following motion:

Move to initiate Addendum II to the Atlantic Menhaden FMP to address Chesapeake Bay management concerns. The addendum shall develop periods for the Chesapeake Bay Cap that distributes fishing effort more evenly throughout the season and a range of options to reduce the Bay Cap from status quo up to 50%.

Since then, the Board has provided additional guidance on the purpose and range of options for inclusion in this draft addendum.

2. OVERVIEW

2.1 Statement of the Problem

The availability of menhaden in Chesapeake Bay may be affected by changes in total abundance, size distribution of the population, and timing of spatial distribution in the Bay, which can be caused by fishing pressure, environmental conditions, habitat suitability, and/or changing predation pressures on a limited spatial and temporal scale. Such changes in menhaden availability may affect the species’ ability to fulfill its ecological and/or economic functions. Recent observations of below average commercial fisheries landings and concerning population trends in several species that use menhaden as prey within Chesapeake Bay suggest that availability of menhaden in Chesapeake Bay may be changing due to one or more of the above drivers. Of the predator species included in the ecological reference point (ERP) assessment, which accounts for menhaden’s role as a forage fish, the latest coastwide assessments indicate striped bass is overfished, bluefish are presently rebuilding, weakfish are depleted due to high levels of natural mortality, and spiny dogfish reproductive output is declining but stabilizing (ASMFC, 2024).

Although there are currently not sufficient scientific data available to comprehensively characterize the abundance and distribution of menhaden throughout Chesapeake Bay and the influence of fishing pressure on menhaden, the Commission has been using proactive measures to manage this species in the face of uncertainty and to support both ecological and fishery objectives. Specifically, since 2006, the Chesapeake Bay Reduction Fishery Cap (Bay Cap) has limited harvest of menhaden by the reduction fishery (henceforth, “reduction harvest”) within

Draft Document for Public Comment

Chesapeake Bay. This draft addendum responds to concerns that the Bay Cap does not control how harvest is distributed throughout the fishing season and that the amount of the Bay Cap does not reflect changes to the coastwide total allowable catch (TAC).

Chesapeake Bay Reduction Fishery Cap

The first issue addressed in the draft addendum is that the Bay Cap is not linked to the overall TAC. Large changes to the TAC without a corresponding change to the Bay Cap significantly alter the percent of the reduction landings (and total landings) that can be taken from Chesapeake Bay, a critical nursery area for menhaden. For example, because Virginia is currently allocated 75.21% of the coastwide TAC, and Virginia allocates 90.04% of their quota to the reduction sector, the current Bay Cap (51,000 mt) paired with a 100,000 mt TAC would allow 75% of the reduction fishery quota to be taken in Chesapeake Bay, but with a 300,000 mt TAC would allow 25% of the reduction fishery quota to be taken in Chesapeake Bay. Such variable outcomes may be inconsistent with the intent of the Bay Cap. The 20% reduction applied to the TAC in 2026, without a corresponding change to the Bay Cap, increased the percentage of possible reduction fishery quota taken in the Chesapeake Bay from 32% to 40%, a larger percentage than has been possible since 2017. The Board is concerned that without a change to the Bay Cap, future changes to the TAC could further shift that percentage. Additionally, changes to the Bay Cap can only be made through an amendment or addendum, meaning the Management Board is often unable to align the timeline for changes to the Bay Cap, if desired, with changes to the TAC. Therefore, this draft addendum considers a one-time reduction in the Bay Cap in consideration of recent or upcoming changes to the TAC and setting the Bay Cap as a proportion of the TAC so that it changes automatically with future changes to the TAC.

Timing of Menhaden Harvest

The second issue this draft addendum aims to address is that the Bay Cap is an annual measure without any associated controls on how reduction harvest is distributed throughout the fishing season. This leaves the potential for a concentration of reduction fishery landings in a short time period, as seen in 2023 and 2024, when over 50% of the Bay reduction fishery landings were taken in a 6-week period in mid-summer. When this occurs, it is possible that these higher-than-normal catch rates could affect availability of menhaden to other fisheries or predators, which is what the Bay Cap was intended to prevent. Consequently, this draft addendum considers establishing quota periods for the Bay Cap to redistribute reduction fishery landings across the reduction fishery season, rather than concentrating them in the beginning and middle of the season.

Revisiting the Bay Cap

Lastly, given the breadth of changes proposed to the Bay Cap in this draft addendum, the uncertainties about whether recent trends in Chesapeake Bay menhaden landings and availability will continue, plus planned research intended to help design a scientifically-based Bay Cap setting process, this draft addendum includes an option that would require a revisit of the Bay Cap provisions every three years at a minimum. Currently, there is no set timeframe for revisiting the Bay Cap.

Draft Document for Public Comment

2.2 Background

2.2.1 The Reduction Fishery

The commercial menhaden fishery is divided into the reduction fishery, in which menhaden are reduced into fish meal and fish oil, and the bait fishery, in which menhaden are harvested as a bait source for other commercial and recreational fisheries. Harvesting of menhaden for reduction purposes dates back to the early 1800s (fish oil) and the early 1900s (fish meal). The reduction fishery uses purse seine gear exclusively (also the dominant gear in the bait fishery). Reduction landings peaked in the mid-20th century (712,100 mt in 1956) and averaged approximately 129,000 mt from 2020-2024 (Figure 1). Participation in the Atlantic coast reduction fishery has declined to include roughly 10 vessels and one processing plant located in Virginia; as many as 147 vessels and 25 processing plants operated along the Atlantic coast from Maine to Florida historically.

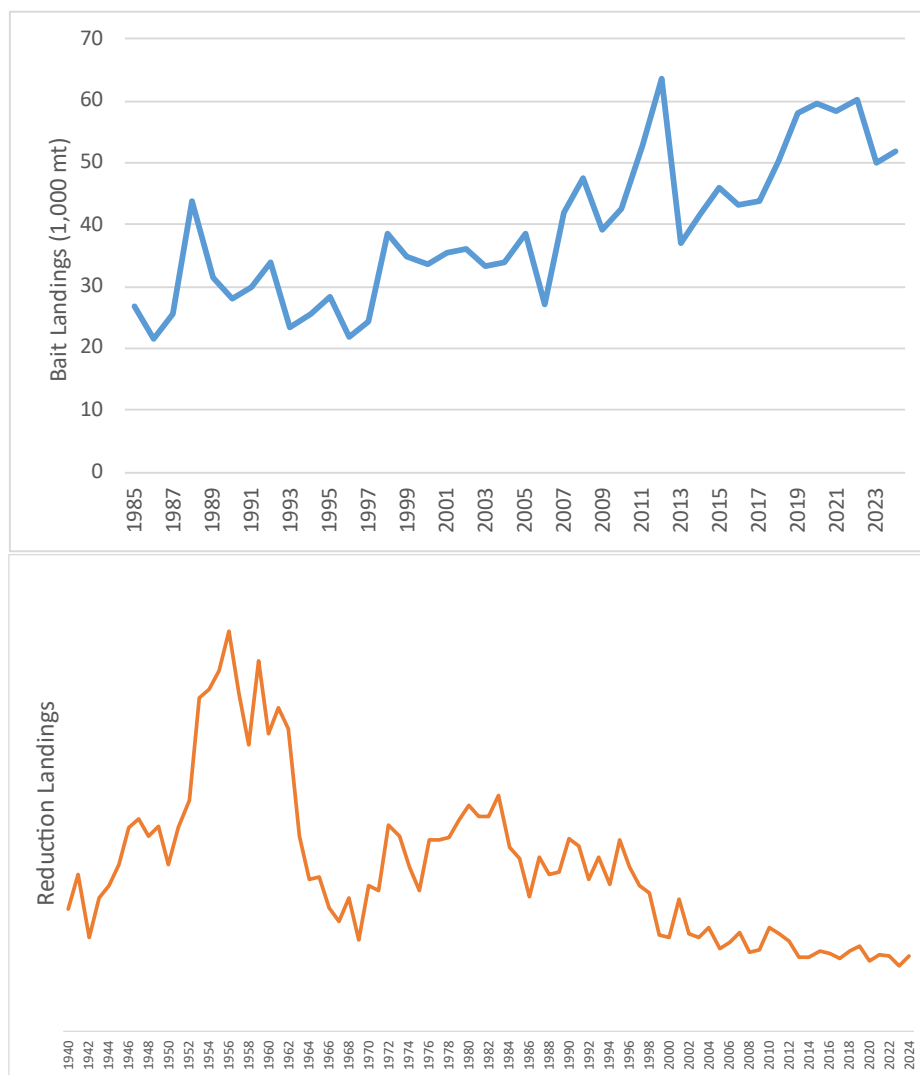


Figure 1. Coastwide reduction fishery landings (1940-2024) and coastwide bait fishery landings (1985-2024) for Atlantic menhaden (Note reduction landings values removed for confidentiality but are approximately an order of magnitude greater than bait landings).

Draft Document for Public Comment

Since 2013, total reduction fishery landings have been determined by the annual coastwide Total Allowable Catch (TAC) specified by the Management Board, the percent of the TAC allocated to Virginia by the Interstate FMP, Virginia's internal allocation of its quota among its fishery sectors, and the Virginia reduction fishery's performance with regards to its quota. Currently, Virginia's allocation of the TAC is 75.21%¹ based on landings from 2018, 2019, and 2021, and the purse seine reduction fishery's allocation of the Virginia quota is 90.04% based on 2002-2011 average landings. Accordingly, the Virginia reduction fishery has the potential to harvest 67.04% of the TAC.

Reduction fishery vessel effort occurs both inside Chesapeake Bay and outside in the Atlantic Ocean. In the last five years (2021-2025), about 50% of all reduction fishery effort (i.e., purse seine net sets) has occurred within Chesapeake Bay, down from about 70% in 2009. The Bay Cap prohibits additional reduction harvest within the Chesapeake Bay when 100% of the Bay Cap is harvested from Chesapeake Bay, which is defined as areas shoreward of the Chesapeake Bay Bridge Tunnel.

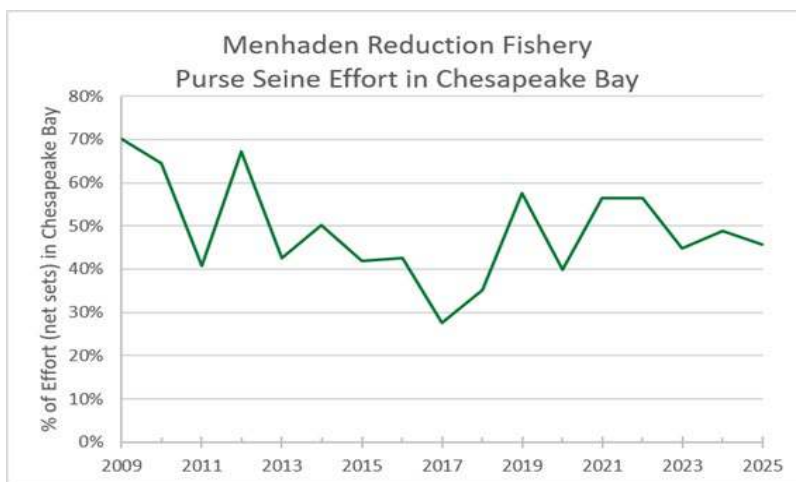


Figure 2. Proportion of Virginia purse seine reduction effort in Chesapeake Bay.

2.2.2 Bay Cap History

The Chesapeake Bay Reduction Fishery Cap was first established in 2006 as a precautionary measure in response to an increasing proportion of the total reduction fishery landings being harvested from Chesapeake Bay and concerns about the possibility of localized depletion. Through Addendum III to Amendment 1, the Bay Cap was set at the average landings from 2001-2005 (109,020 mt) to prevent the expansion of the reduction fishery in Chesapeake Bay while the necessary scientific studies were conducted to explore the potential for localized depletion and set a more scientifically quantified harvest threshold if needed. Additional Bay Cap management measures included mandatory payback of any overage in the subsequent year and an allowance to rollover unused quota to the following year up to a specified

¹ The state-by-state allocations exclude 1% of the TAC that is reserved for the Episodic Event Set-aside.

Draft Document for Public Comment

maximum. Notably, the adoption of the Bay Cap preceded the adoption of a coastwide TAC for menhaden, which did not occur until 2013 through Amendment 2.

Amendment 2 reduced the Bay Cap by 20% to 87,216 mt beginning in 2013. This 20% reduction mirrored the 20% reduction applied to the average coastwide catch from 2009-2011 that was used to set the first-ever TAC. (This was an ad hoc approach to set the TAC based on recent landings due to uncertainty in the 2012 stock assessment's projections; all subsequent TACs have been set using a stock assessment-based projection methodology). Amendment 2 also reduced the Bay Cap underage rollover maximum by 20%.

The next change to the Bay Cap occurred in 2018, when it was reduced to 51,000 mt in Amendment 3. Similar to how the Bay Cap was initially set, this amount represented an approximation of the average Bay reduction fishery landings from 2012-2016. This action again capped landings at recent levels as a precautionary management approach. Unlike the change to the Bay Cap in Amendment 2, this ~41.5% reduction in the Bay Cap did not correspond to the change made to the TAC in the same year (8% increase). Amendment 3 also removed the allowance for any rollover of unused Bay Cap (as well as any unused TAC) and established that unused quota from a region or state cannot be transferred to the Bay Cap to reduce an overage.

The Bay Cap has remained at 51,000 mt since 2018 (except in 2020 when it was reduced to account for an overage in 2019; reduction fishery landings from the Chesapeake Bay have always otherwise been below the Bay Cap). Since that time, the TAC has been adjusted three times, including a 10% reduction in 2021, a 20.1% increase in 2023, and a 20% reduction in 2026, all without any change to the Bay Cap (Table 1).

The history, intent, and setting process for the Bay Cap and TAC differ in notable ways. First, the Management Board sets the TAC through Board action based on coastwide stock assessment projections in comparison to target and threshold reference points. Since 2021, ecosystem-based stock assessments and reference points have been used, meaning the TAC is set to account for menhaden's role as a critical forage species on a coastwide basis. No similar approach exists to set the Bay Cap at a level scientifically determined to support forage needs in Chesapeake Bay; rather, recent landing levels have typically been used to set the Bay Cap, thereby preventing further expansion. Second, the TAC limits the total removals of menhaden coastwide by all fishery participants, in contrast to the Bay Cap, which limits only reduction fishery landings in Chesapeake Bay. Additional reduction harvest can take place outside of Chesapeake Bay, and additional bait harvest can take place inside of Chesapeake Bay. Third, the Bay Cap management measures can only be revised through an addendum or amendment to the FMP, whereas the TAC can be set by the Board through specifications (i.e., a Board vote) on an annual or multi-year basis. The result is that the TAC has changed with greater frequency, and changes to TAC and Bay Cap that do co-occur have not always been in the same direction. Consequently, the amount of the Bay Cap as a proportion of the total TAC is variable over time (Table 1).

Draft Document for Public Comment

Table 1. History of coastwide TACs and Bay Caps.

Year	TAC (mt)	Bay Cap (mt)	Bay Cap as Percent of TAC
2006	-	109,020	-
2007	-	109,020	-
2008	-	109,020	-
2009	-	109,020	-
2010	-	109,020	-
2011	-	109,020	-
2012	-	109,020	-
2013	170,800	87,216	51.06%
2014	170,800	87,216	51.06%
2015	187,880	87,216	46.42%
2016	187,880	87,216	46.42%
2017	200,000	87,216	43.61%
2018	216,000	51,000	23.61%
2019	216,000	51,000	23.61%
2020	216,000	51,000*	23.61%
2021	194,400	51,000	26.23%
2022	194,400	51,000	26.23%
2023	233,550	51,000	21.84%
2024	233,550	51,000	21.84%
2025	233,550	51,000	21.84%
2026	186,840	51,000	27.30%

*2020 Bay Cap was reduced from 51,000 mt due to 2019 overage.

2.2.3 Seasonality of Chesapeake Bay Reduction Fishery

By Virginia law, the Chesapeake Bay purse seine reduction fishery is permitted to begin on the first Monday in May and ends on the third Friday in November. However, realized effort is based on resource availability as informed by the use of spotter aircraft to locate schools of menhaden. Consequently, the onset and magnitude of effort by week of the year is variable across years (Figure 3) as is the trend in cumulative percent of annual landings (Figure 4). For example, 2018 saw heavier effort and a steeper rate of landings earlier in the season than the years following; whereas 2023 and 2024 experienced delayed season starts but higher mid-season rates of landing compared to the years prior.

Draft Document for Public Comment

Chesapeake Bay Menhaden Reduction Fishery

Weekly Effort (percent of annual net sets)

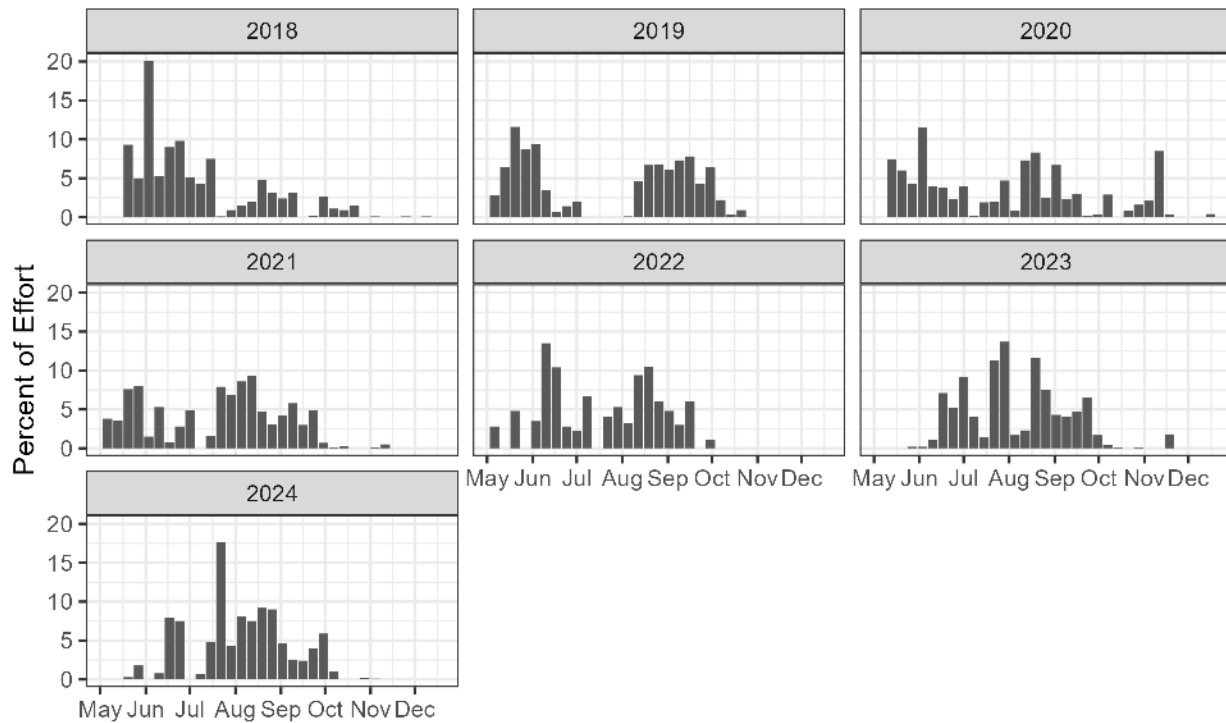


Figure 3. Percent of annual effort (number of net sets) by week for the menhaden purse seine reduction fishery in the Chesapeake Bay 2018-2024.

Chesapeake Bay Menhaden Reduction Fishery

Daily Cumulative Landings

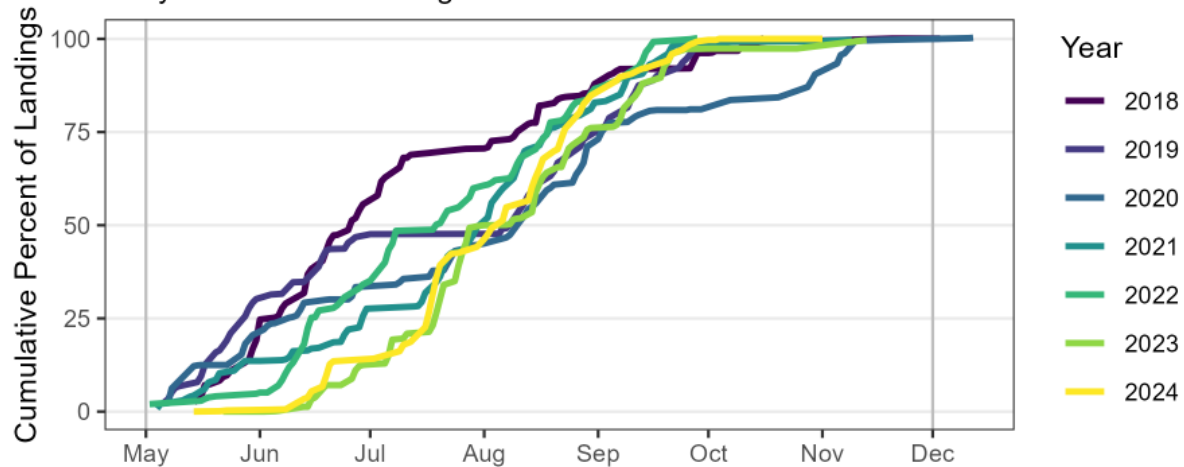


Figure 4. Cumulative percent of annual landings in the Chesapeake Bay menhaden reduction fishery 2018-2024.

Draft Document for Public Comment

2.2.4 Chesapeake Bay Pound Net Catch

The shift in Chesapeake Bay reduction fishery harvest later in the season in 2023 and 2024 corresponded with declines in Chesapeake Bay pound net fishery harvest (Figure 5), which typically peak during the summer months. For example, the Maryland Chesapeake Bay pound net harvest declined by 60% in 2024 from the 2018-2022 average. This co-occurrence raised concerns among Chesapeake Bay pound net harvesters, about a potential user group conflict with the reduction fishery and about an overall trend towards reduced menhaden presence, spatial distribution, and abundance within the Bay.

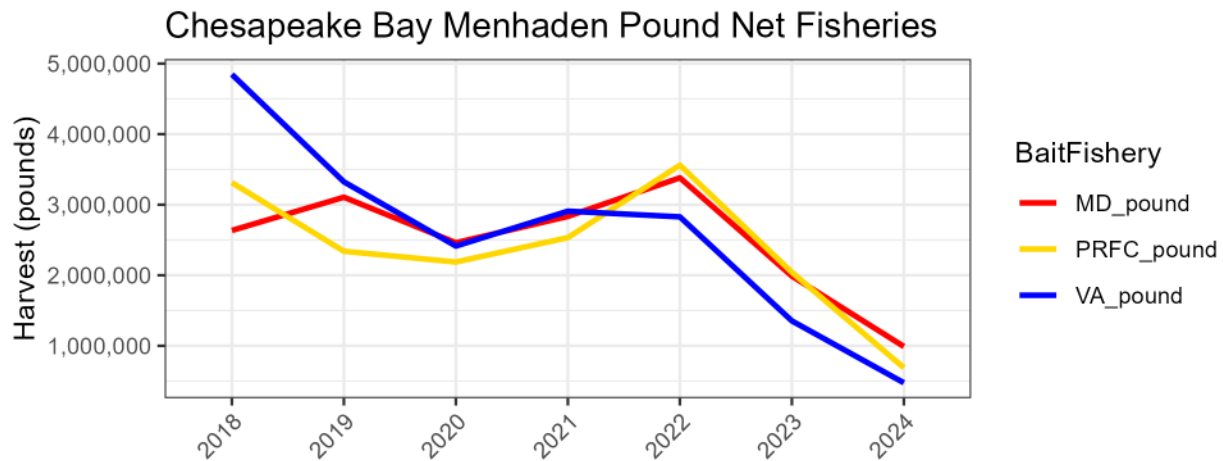


Figure 5. Total menhaden harvest in Maryland, PRFC, and Virginia pound net fisheries, 2018-2024.

The Plan Development Team (PDT) and Technical Committee (TC) investigated variability in fishery effort and/or menhaden availability as potential causes for the decline in pound net harvest. While true abundance (or availability) is not known, catch per unit effort (CPUE) can be used as a proxy if it is assumed there are no major changes to how the fishery operated between years.

Overall, the TC found notable declines in CPUE in the pound net fisheries of Maryland, Virginia, and PRFC in 2024 (Figure 6). As harvest declined, PRFC found a slight increasing trend in the time it takes to reach 50% of the annual cumulative harvest where 2024 was approximately 7 weeks later than the 2018-2023 average. PRFC and Maryland also discovered that the number of trips that caught 5,000 pounds or more of menhaden have declined to their lowest levels since 2018.

Draft Document for Public Comment

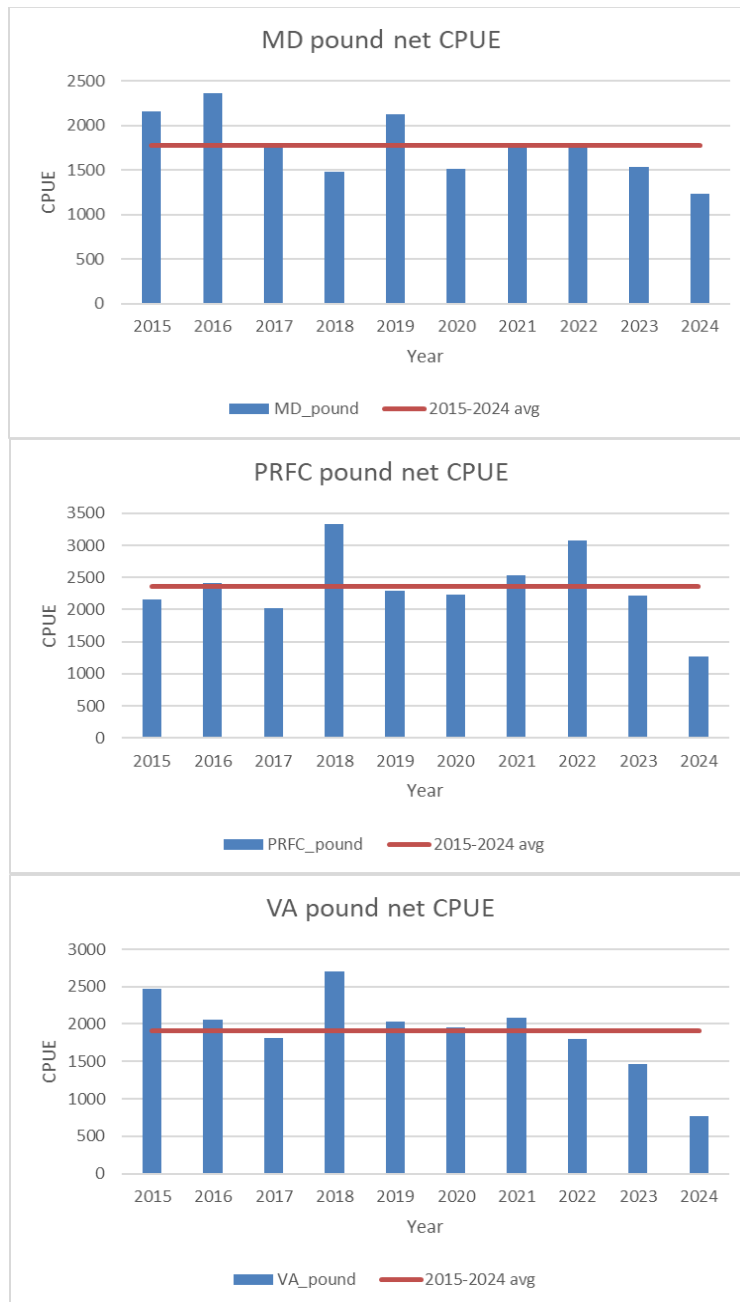


Figure 6. Annual menhaden Pound Net CPUE from Maryland, Potomac River, and Virginia. CPUE is in pounds per net day. Sources: Maryland DNR, PRFC, and VMRC.

Looking more closely at Maryland, during the second half of the year (weeks 27+), weekly CPUE in 2023 is generally equal to or greater than the 2018-2022 average (Figure 7), suggesting little influence of the reduction fishery on pound net catches. However, weekly pound net CPUE in 2024 shows a different pattern. Beginning in week 31 and continuing through the end of the year, CPUE in 2024 is generally below the 2018-2022 average (Figure 7). Just prior to this time period, the reduction fishery was experiencing higher than normal catch rates (Figure 8). The reduction fishery began in week 23, approximately five weeks later than 2018-2022, but by

Draft Document for Public Comment

week 33 had caught approximately 60% of the annual catch, which is in line with earlier years. It is possible that these higher than normal catch rates may have affected availability of fish in the upper bay, thereby affecting pound net catches. Although catch rates were higher than normal, total catch was equivalent among years. Any link between reduction harvest and availability in the upper bay would be a joint function of fishery dynamics and migratory patterns (*e.g.* timing and location) at a finer scale than could be considered in the PDT analysis.

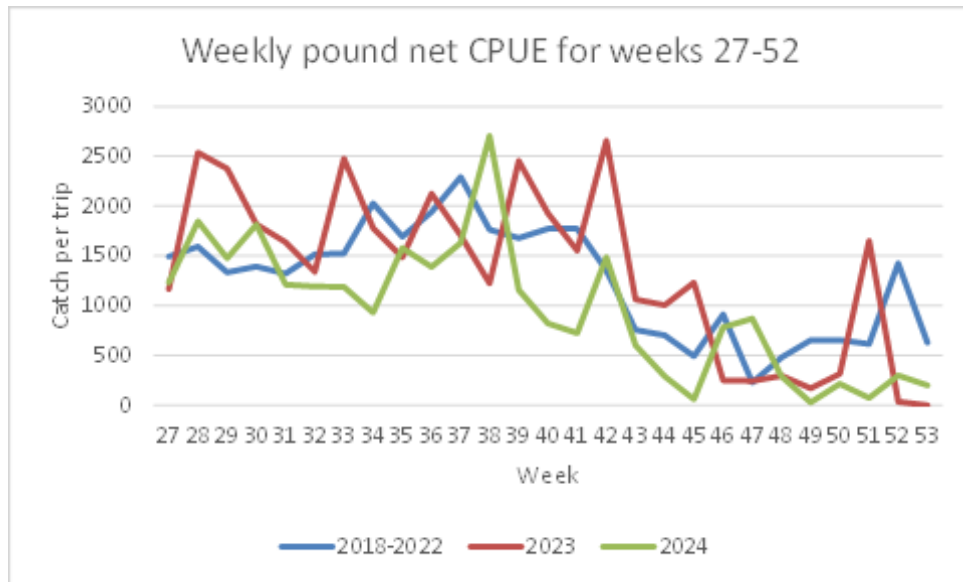


Figure 7. Weekly CPUE in MD pound net fishery for weeks 27-52.

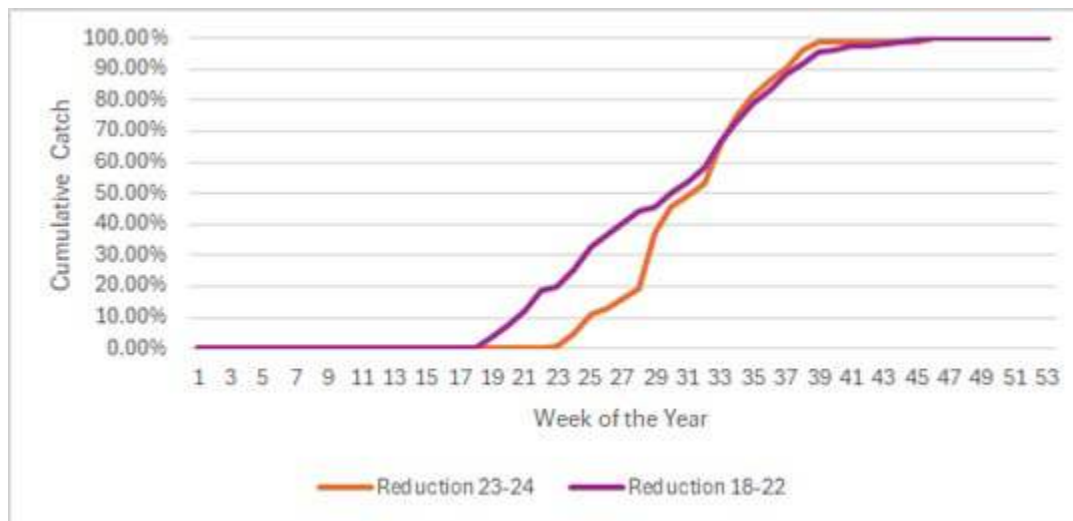


Figure 8. Timing of the Chesapeake Bay reduction fishery showing a delayed start with higher than average catch rates in weeks 23-33 in 2023-2024.

The PDT notes that the effort values used to calculate CPUE for all three pound net jurisdictions only includes nets catching menhaden. Menhaden account for a high proportion of some pound net harvesters' catch, which could lead to reduced effort if menhaden availability dropped to a

Draft Document for Public Comment

point where fishing was no longer profitable. Nets that remain profitable catching other species, but that no longer are catching menhaden would also not be included in the effort used in these calculations. These two factors could lead to more stability in the pound net CPUE as menhaden abundance declines, since only nets set in the best location to catch menhaden would be included in the effort used to calculate CPUE during a reduction in menhaden availability.

2.2.5 Chesapeake Bay Adult Fishery Independent Indices

The TC also looked at recent fishery independent indices included in the 2025 stock assessment for a trend in relative abundance, although noted that 2023 was the most recent year available in the assessment and that temporal and spatial differences between the surveys and fisheries make it difficult to compare the different trends.

For more recent data, the PDT reviewed the adult index from the fishery independent survey conducted in the Choptank River in Maryland (Figure 9). The survey has been conducted by Maryland DNR using gillnet gear during June-August since 2013. Between 2018 and 2023, the abundance appears to have been relatively stable with moderate interannual variability. In 2024, abundance dropped dramatically and remained low in 2025. While limited to a single tidal river system, the index does indicate lower relative abundance of adult Atlantic menhaden in 2024, as also indicated by the fishery dependent Pound Net CPUEs.

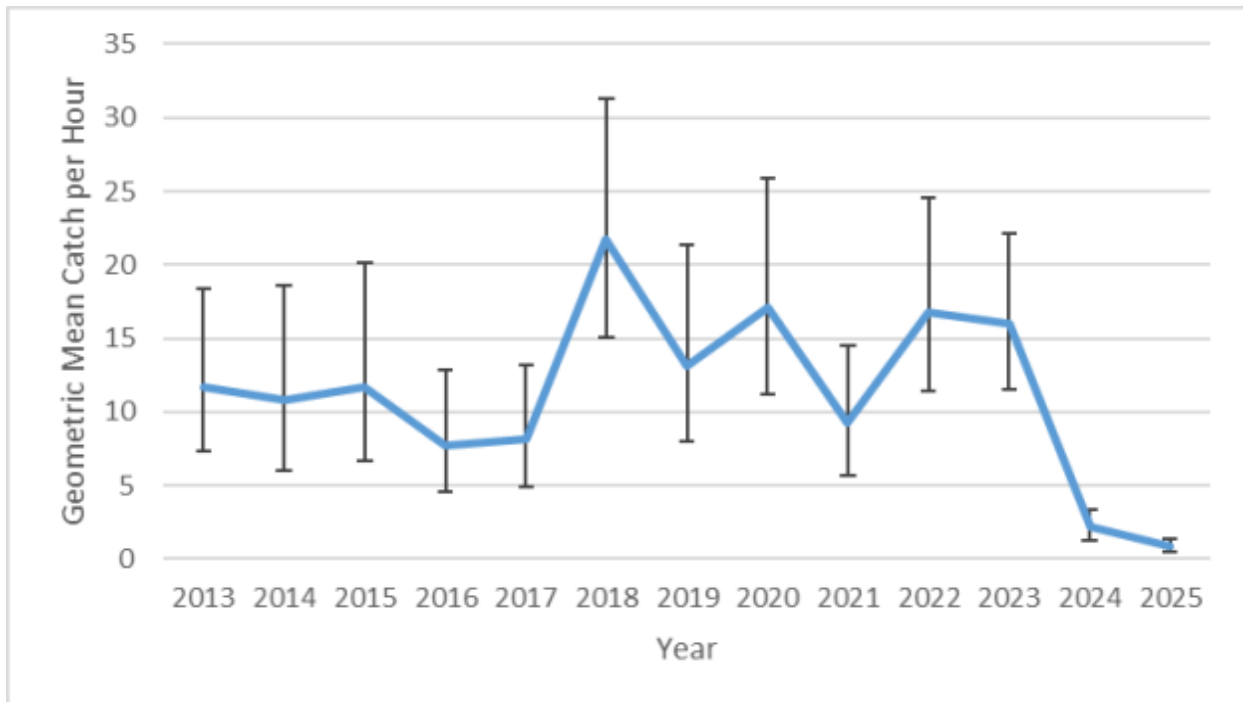


Figure 9. Maryland DNR Choptank River Gillnet Survey geometric mean catch per gill net hour and 95% confidence limits, 2013-2025.

Draft Document for Public Comment

2.3 Social and Economic Impacts

This Addendum includes measures that could influence the size of the Chesapeake Bay Reduction Fishery Cap and introduce quota periods to distribute removals more evenly over the course of the year. These measures may produce socioeconomic impacts to the commercial reduction fishery and dependent communities as they could limit harvest within the Chesapeake Bay and affect seasonal operations. Additionally, the measures are intended to provide increased ecosystem benefits through enhanced forage opportunities, which could impact individuals who derive value from species that prey upon menhaden.

Two prior socioeconomic studies on the commercial menhaden fisheries provide important context: Kirkely et al. (2011), who assess the economic importance of the reduction sector under alternative harvest scenarios in the Chesapeake Bay, and Whitehead and Harrison (2017), who conducted a socioeconomic study of the commercial bait and reduction fisheries to inform development of Amendment 3. Kirkley et al. (2011) estimated that the reduction sector supported approximately 519 full- and part-time jobs in Maryland and Virginia, including 347 in Northumberland County, Virginia, associated with total landings of about 141,000 metric tons, of which roughly 85,000 metric tons were harvested from the Chesapeake Bay. Under an extreme scenario in which no harvest was allowed in the Bay and effort could not be shifted to coastal waters, employment losses in Northumberland County were estimated at up to 176 jobs, including 98 direct losses in the reduction sector. The analysis also indicated that a reduction of 1,000 metric tons in Chesapeake Bay quota corresponded to an estimated loss of approximately \$630,000 in regional economic output (~\$940,000 in 2025) and 3.7 total jobs, including 2.1 direct jobs in the reduction sector. Whitehead and Harrison (2017) applied a similar modeling framework to evaluate economic impacts associated with coastwide quota changes and found a 6.45% increase in total quota (~12,100 metric tons) would result in combined impacts from the bait and reduction sectors of approximately \$6.3 million in economic output and 99 jobs, corresponding to about \$520,000 in regional economic output (~\$680,000 in 2025) and 8.2 jobs per 1,000 metric tons. Both studies use Leontief input-output models, which do not account for market adjustments or adaptive industry behavior and may overstate long-term employment effects of quota changes.

While neither Kirkley et al. (2011) nor Whitehead and Harrison (2017) explicitly evaluate seasonal harvest restrictions within Chesapeake Bay, both studies suggest that economic impacts are driven primarily by total landings rather than the timing of harvest. Evidence that effort and harvest respond flexibly to economic and regulatory conditions implies that seasonal limits may reallocate fishing activity across the season with limited overall economic impact, provided that total allowable harvest is not substantially reduced. However, impacts may arise if seasonal restrictions constrain periods of high catch efficiency or limit the ability of the reduction sector to maintain consistent processing throughput. It is likely that economic impacts and employment effects associated with output reductions in the reduction sector would respond non-linearly and be characterized by threshold triggers due to high fixed costs in the industry. This would suggest that there are critical output levels, past which employment could change dramatically.

Draft Document for Public Comment

3. PROPOSED MANAGEMENT PROGRAM

This draft addendum considers modifying the Chesapeake Bay Reduction Fishery Cap component of the management program. The intent of the Bay Cap is to limit the amount of reduction fishery harvest that occurs in Chesapeake Bay, a critical nursery area for Atlantic menhaden. Harvest for reduction purposes shall be prohibited within Chesapeake Bay when 100% of the Bay Cap is harvested from Chesapeake Bay, which is defined as areas shoreward of the Chesapeake Bay Bridge Tunnel. Harvest above the Bay Cap in any given year will be deducted from the next year's Bay Cap. Furthermore, unused quota from a region or state cannot be transferred to the Bay Cap to reduce an overage. If the Bay Cap is underharvested, the un-landed fish under the Bay Cap cannot be rolled over into the subsequent year.

An objective is listed for each component to guide evaluation of proposed options in addressing the issues identified for each component in the statement of the problem. **When the Board takes final action on the addendum, there will be the opportunity to select any measure within the range of options that went out for public comment, including combining options across issues, unless otherwise specified.**

3.1 Chesapeake Bay Reduction Fishery Cap Amount

These options consider reducing the amount of the Chesapeake Bay Reduction Fishery Cap as a precautionary measure in response to concerns about reduced menhaden availability in Chesapeake Bay and consider changes to the manner in which the Bay Cap is set to be more responsive to changes in the TAC. Only one option among Option A, B, and C can be selected. In Options B and C, the Board may select any measure within the range of options. In Option C, a sub-option must be selected from both C1 and C2. Additionally, changes to the Bay Cap do not affect state allocations. Landings that apply to the Bay Cap also apply to Virginia's state allocation.

Option A. Status Quo. The Chesapeake Bay Reduction Fishery Cap is maintained at 51,000 mt. This value represents an approximation of the five-year average of reduction harvest from Chesapeake Bay between 2012 and 2016. An approximate value is used because reduction landings in Chesapeake Bay are confidential. Future changes to the Bay Cap may only be made through adaptive management (i.e., an amendment or addendum).

Option B. One-time Reduction in the Bay Cap. The Chesapeake Bay Reduction Fishery Cap is reduced by a percentage. The Board may select to phase-in the reduction over multiple years. Future changes to the Bay Cap may only be made through adaptive management (i.e., an amendment or addendum).

Sub Option B1: 10% reduction, resulting in a Bay Cap of 45,900 mt

Sub Option B2: 20% reduction, resulting in a Bay Cap of 40,800 mt

Draft Document for Public Comment

Sub Option B3: 30% reduction, resulting in a Bay Cap of 35,700 mt

Sub Option B4: 50% reduction, resulting in a Bay Cap of 25,500 mt

Option B2 applies the same percent reduction to the Bay Cap as was adopted by the Atlantic Menhaden Board for the 2026 TAC. Option B1 applies a smaller percent reduction to the Bay Cap than adopted for the 2026 TAC while Options B3 and B4 apply greater percent reductions; this range accounts for uncertainty in how the abundance in the Chesapeake Bay correlates to abundance of the coastwide stock. The range of options also provides flexibility for the Board to adjust the Bay Cap in response to how it sets the TAC for the next two to three years, as is scheduled to occur at the November 2026 ASMFC Meeting before taking final action on this addendum.

Option C. Linking the Bay Cap to Coastwide TAC

The Chesapeake Bay Reduction Fishery Cap would be set as a proportion of the TAC. In addition, an upper and lower limit would control how low and high the Bay Cap could shift with changing TACs. Setting the Bay Cap as a proportion of the TAC means that any future change to the TAC is also applied to the Bay Cap as the same percent reduction or increase (unless restricted by an upper or lower limit), thus establishing a direct link between the Bay Cap and the TAC. Adaptive management would be required to modify or depart from the automatic Bay Cap setting process selected under this option.

The option considers a range of Bay Cap:TAC proportions, from the current (2026) proportion to the proportions that would result if the Bay Cap were reduced by 10 to 50% relative to the 2026 TAC (Table 2). This range effectively allows the Board to apply a reduction to the Bay Cap similar to that in Option B before locking in the proportion that would maintain the relationship between the Bay Cap and TAC moving forward. Table 2 provides the Bay Cap that would result in 2027 under a status quo TAC scenario; if the TAC were adjusted for 2027, the Bay Cap would change by the same percent (as the TAC from 2026) from the amount shown. For example, the proportion in Option C1c is the same as if the Bay Cap had been reduced by 20% with the 2026 TAC. For a full history of Bay Caps and TACs see Table 1 in Section 2.2.2. Option C also considers upper and lower limits for the Bay Cap (Table 3). The upper limit options range from the highest to the lowest Bay Cap implemented by management. The lower limits range from none to the lower 95% confidence interval of the mean harvest from 2012-2016. This time period is the one used to calculate the current Bay Cap and incorporates the variability around the harvest when the Bay Cap was set at a higher level than the current Bay Cap.

Draft Document for Public Comment

Table 2. Sub-Options C1a-e for setting the Bay Cap as a Proportion of the TAC. Note: Proportions shown here are rounded for clarity; the Bay Cap would be based on unrounded values.

Option	Proportion	Basis	Cap in 2027 under status quo TAC (186,840 mt)
C1a	27.3%	2026 Bay Cap : 2026 TAC	51,000 mt
C1b	24.6%	10% reduction to 2026 Bay Cap : 2026 TAC	45,900 mt
C1c	21.8%	20% reduction to 2026 Bay Cap : 2026 TAC	40,800 mt
C1d	19.1%	30% reduction to 2026 Bay Cap : 2026 TAC	35,700 mt
C1e	13.6%	50% reduction to 2026 Bay Cap : 2026 TAC	25,500 mt

Table 3. Sub-Options C2a-e for setting an Upper and Lower limit for the Bay Cap.

Option	Upper Limit	Lower Limit	Basis
C2a.	51,000 mt	None	Upper: Current Bay Cap Lower: n/a
C2b	51,000 mt	25,500 mt	Upper: Current Bay Cap Lower: Maximum Reduction Under Consideration
C2c.	87,216 mt	None	Upper: Highest Cap since management with TAC Lower: n/a
C2d.	87,216 mt	25,500 mt	Upper: Highest Cap since management with TAC Lower: Maximum Reduction Under Consideration
C2e.	75,000 mt	29,000 mt	Upper/Lower: Approximate 95% confidence intervals around the approximate 2012-2016 mean Chesapeake Bay reduction harvest. Note: if Sub-Option C1e is selected, the lower limit for this option will be 25,500 mt.

Draft Document for Public Comment

3.2 Chesapeake Bay Cap Distribution

3.2.1. Quota Periods

These options consider dividing the Bay Cap into quota periods to moderate reduction fishery landings in the beginning and middle of the reduction fishery season as a precautionary measure to support the availability of menhaden to other fisheries and predators.

Option A. Status Quo

The Bay Cap remains an annual measure only with no division into quota periods.

Option B. Three Quota Periods

The Bay Cap would be divided into three quota periods defined by one of the sub-options in Table 4.

Table 4. Options to divide the Bay Cap into three quota periods. Note: Because the reduction fishery begins the first Monday in May and ends on the third Friday in November, depending on the year, the length of the fishing season is either 28 weeks and 5 days or 27 weeks and 5 days. The table outlines the length of each quota period for a season of 28 weeks and 5 days. For years with 27 weeks and 5 days, one week is removed from the final quota period. Example dates are given for 2027.

Option	Description	Length of Quota Periods	2027 Time of Year Example*	Percent of total Bay Cap
B1	Even Length & Even Harvest	9 weeks	May 3–Jul 4	33%
		10 weeks	Jul 5–Sep 12	33%
		9 weeks and 5 days	Sep 13–Nov 19	34%
B2	Even Length & Uneven Harvest	9 weeks	May 3–Jul 4	25%
		10 weeks	Jul 5–Sep 12	25%
		9 weeks and 5 days	Sep 13–Nov 19	50%
B3	Uneven Length & Even Harvest	11 weeks	May 3–Jul 18	33%
		6 weeks	Jul 19–Aug 29	33%
		11 weeks and 5 days	Aug 30–Nov 19	34%

Options B1 and B2 contain three quota periods of roughly equal length, with Option B1 intended to provide an equal distribution of harvest whereas Option B2 gives greater emphasis on delaying harvest until later in the season. Option B3 presents three periods of unequal length, with the extended first period intended to delay some reduction harvest until later in the year compared to recent performance and the short middle period intended to allow the fishery to continue to operate as it has been during what has been the peak period in recent years.

To help understand how Options B1-B3 may alter the reduction fishery's operation, Table 5 provides the 2018–2024 average percent of reduction fishery effort and landings that occurred

Draft Document for Public Comment

in the proposed quota periods. Furthermore, Figure 10 contrasts the options' projected reduction fishery cumulative harvest by week with the 2018–2024 average cumulative harvest by week for the reduction fishery and the Maryland, Virginia, and PRFC pound net fisheries.

Table 5. Approximate average percent purse seine reduction landings and effort in the Chesapeake Bay 2018-2024 corresponding to the quota periods as presented in Options B1-B3.

Option	Length of Quota Period	2027 Dates	Average % Landings (2018-2024)	Average % Effort (2018-2024)
B1/B2	9 weeks	May 3 - July 4	30%	39%
	10 weeks	July 5 - Sept 12	54%	48%
	9 weeks + 5 days	Sept 13 - Nov 19	16%	13%
B3	11 weeks	May 3 - July 18	38%	44%
	6 weeks	July 19 - Aug 29	36%	34%
	11 weeks + 5 days	Aug 30 - Nov 19	26%	22%

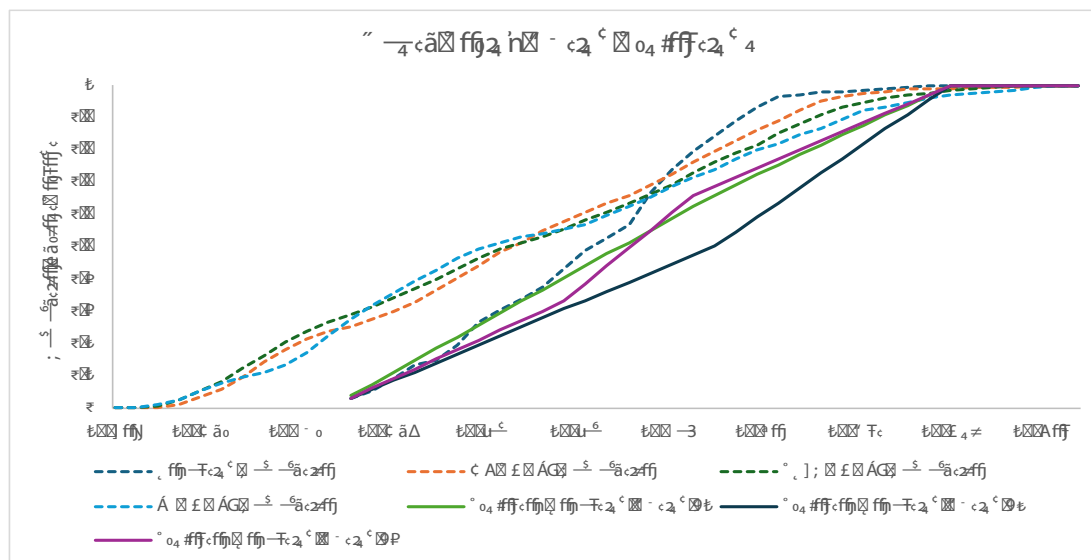


Figure 10. Historical average cumulative harvest by week (2018 - 2024) for the reduction fishery and the Maryland, Virginia, and PRFC pounds net, and a projection of the reduction fishery cumulative harvest under Options B1-B3. The hypothetical projections of Options B1-B3 assume that weekly harvest is consistent within each quota period.

Draft Document for Public Comment

3.2.2 Quota Period Overages and Underages

Note: This section is only required if Option B is selected above in section 3.2.1 to implement quota periods.

The following options outline how overages and underages within quota periods would be addressed. Without any overage payback provision, there would be little incentive for industry to abide by the in-year quota periods. Without any underage rollover provision, the quota periods may inhibit industry's ability to harvest the Bay Cap.

Option A. No payback for quota period overages with rollover of unused quota within a fishing year.

There would be no payback for exceeding the allocation of a quota period unless it causes the Bay Cap to be exceeded. An overage of the total Bay Cap would be deducted from the following year's total Bay Cap before it is allocated into the quota periods. Any underage of Quota Period 1 or 2 can be used in any subsequent quota period within the year.

Example: A three-quota period split was selected with allocations of 25%/25%/50%. The total Bay Cap is set at a fixed 20,000 pounds, resulting in period allocations of 5,000/5,000/10,000 pounds.

- If the fishery catches 7,000/3,000/10,000 pounds (i.e., a Period 1 overage with no Bay Cap overage), then the following year allocations will remain 5,000/5,000/10,000 pounds.
- If the fishery catches 7,000/5,000/10,000 pounds (i.e., a Period 1 overage and Bay Cap overage of 2,000 pounds), then the following year the Bay Cap would be reduced by 2,000 pounds and then allocated to the periods as 4,500/4,500/9,000 pounds.
- If the fishery catches 5,000/3,000/12,000 pounds (i.e., a Period 2 underage rolled into and harvested in Period 3 without exceeding the total Bay Cap), then the following year allocations will remain the same. A Period 2 underage could only be harvested in Period 3 whereas a Period 1 underage could be harvested in Period 2 and/or 3.

Option B. Quota period overage payback with rollover of unused quota within a fishing year.

Any underage of Quota Periods 1 or 2 would be rolled into Period 3 of the same fishing year. Any underage in Quota Period 3 would not be reallocated.

Quota Period 1 or 2 overages would be deducted from the same quota period in the following year and that poundage would be redistributed to Quota Period 3. If a Quota Period 1 or 2 overage also results in a Bay Cap overage, the Bay Cap overage would be accounted for prior to the Quota Period overage. A Quota Period 3 overage would always also result in a Bay Cap overage (due to the underage rollover provision); when this occurs, the Bay Cap overage would be deducted from the Bay Cap in the following year.

Draft Document for Public Comment

If an overage in Quota Period 1 or 2 cannot be paid back in full by the subsequent year's Quota Period allocation, the remainder of the overage will be subtracted from the next earliest quota period (if available). If that quota period allocation is insufficient, the remaining balance would be deducted from the subsequent quota period. Quota period overages that cannot be paid back in full by one quota period will be accounted for last should there be overages of multiple quota periods.

Underage Sub Option 1. Rather than an underage in Quota Period 1 being rolled over entirely to Quota Period 3, an underage in Quota Period 1 would be rolled over in equal halves to Quota Periods 2 and 3. (An underage in Quota Period 2 would still be rolled over entirely to Quota Period 3.)

Example: A three-quota period split was selected with allocations of 25%/25%/50%. The total Bay Cap is set at a fixed 20,000 pounds, resulting in period allocations of 5,000/5,000/10,000 pounds.

- If the fishery catches 7,000/3,000/10,000 pounds (i.e., a Period 1 overage with no Bay Cap overage), then the following year, Period 1 would be reduced by 2,000 pounds and Period 3 would be increased by 2,000 pounds, resulting in allocations of 3,000/5,000/12,000 pounds.
- If the fishery catches 5,000/3,000/12,000 pounds (i.e., a Period 3 overage with no Bay Cap overage), then the allocations remain unchanged the following year at 5,000/5,000/10,000 pounds.
- If the fishery catches 7,000/5,000/10,000 pounds (i.e., a Period 1 overage and Bay Cap overage of 2,000 pounds), then the following year the Bay Cap would be reduced by 2,000 pounds resulting in baseline period allocations of 4,500/4,500/9,000 pounds. Then, the Period 1 overage would be deducted from Period 1 and redistributed to Period 3, resulting in final period allocations of 2,500/4,500/11,000 pounds.
- If the fishery catches 5,000/5,000/12,000 pounds (i.e., a Period 3 overage and Bay Cap overage), then the following year the Bay Cap would be reduced by 2,000 pounds resulting in baseline and final period allocations of 4,500/4,500/9,000 pounds.
- If the fishery catches 1,000/12,000/7,000 pounds (i.e., a Period 2 overage of 7,000 pounds that cannot be paid back in full by Period 2 the following year and no Bay Cap overage), then the following year Period 2 would be set at zero, 2,000 pounds would be deducted from Period 1, and 7,000 pounds would be redistributed to Period 3, resulting in period allocations of 3,000/0/17,000 pounds.
- If the fishery catches 3,000 pounds in Period 1, the 2,000-pound underage is applied entirely to Period 3 that year resulting in Period 2 and 3 allocations of 5,000 and 12,000 pounds, unless Underage Sub-option 1 is selected in which case the 2,000-pound Period 1 underage is applied in equal amounts to Periods 2 and 3 that year resulting in Period 2 and 3 allocations of 6,000 and 11,000 pounds.
- If the fishery catches 6,000/12,000/2,000 pounds (i.e. a Period 1 overage of 1,000 pounds and a Period 2 overage of 7,000 pounds that cannot be paid back in full by Period 2 the following year and no Bay Cap overage), then the following year Period 1

Draft Document for Public Comment

would first be reduced to 4,000 pounds, then the Period 2 overage would be applied to set Period 2 to zero, the remaining 2,000 pounds would be deducted from Period 1, and 8,000 pounds would be redistributed to Period 3, resulting in allocations of 2,000/0/18,000 pounds.

3.3 Chesapeake Bay Reduction Fishery Cap Revisit Provision

These options consider setting a timeframe for the Board to revisit the Chesapeake Bay Reduction Fishery Cap periodically due to the uncertainty of menhaden's status in the Bay and ongoing work to develop a scientifically-based Bay Cap. Revisiting the Bay Cap does not require the Board to initiate an action to consider changes to the Bay Cap. In either option, the Bay Cap can be reconsidered at any time through the adaptive management process (i.e., an addendum or amendment). A similar revisit provision exists for the quota allocations (every three years).

Option A. Status Quo. There is no set timeframe for the Board to revisit the Bay Cap.

Option B. Revisit Provision. The Chesapeake Bay Cap will be revisited every three years following implementation of this draft addendum.

4. COMPLIANCE SCHEDULE

The Atlantic Menhaden Management Board would need to determine a compliance schedule when considering approval of the draft Addendum.

Draft Document for Public Comment

5. LITERATURE CITED

ASMFC. 2006. Addendum II to Amendment 1 to the Atlantic Menhaden Fishery Management Plan. ASMFC, Arlington, Virginia 31 p.

ASMFC. 2006. Addendum III to Amendment 1 to the Atlantic Menhaden Fishery Management Plan. ASMFC, Arlington, Virginia 6p.

ASMFC. 2009. Addendum IV to Amendment 1 to the Atlantic Menhaden Fishery Management Plan. ASMFC, Arlington, Virginia 5 p.

ASMFC. 2012. Amendment 2 to the Atlantic Menhaden Fishery Management Plan. ASMFC, Arlington, Virginia 114 p.

ASMFC. 2017. Amendment 3 to the Atlantic Menhaden Fishery Management Plan. ASMFC, Arlington, Virginia 111 p.

ASMFC. 2025. Work Group Report on Precautionary Management in Chesapeake Bay. ASMFC, Arlington, Virginia. 59 p.