



# COMMONWEALTH of VIRGINIA

*Marine Resources Commission*

*Building 96*

*380 Fenwick Road*

*Fort Monroe, VA 23651*

Matthew J. Strickler  
Secretary of Natural Resources

Steven G. Bowman  
Commissioner

September 8, 2021

Mr. Montgomery Diehl  
Omega Protein  
243 Menhaden Road  
Reedville, VA 22539

Dear Mr. Diehl:

I am writing you today to advise that our records indicate that Omega Protein has harvested 38,390 metric tons of menhaden from the Virginia waters of the Chesapeake Bay. This constitutes 75.3 percent of the total allowable bay cap landings established by Chapter 4 VAC 20-1270-10 et seq., "Pertaining to Atlantic Menhaden". This harvest has occurred despite the presence of weather suitable for the fleet to fish outside the Bay. This is a troubling development, as recent harvest rates mirror those from 2019 when Omega did exceed the Bay harvest cap by 15,000 metric tons (30 percent). As I am sure you recall, this led the U.S. Secretary of Commerce to impose a moratorium on menhaden harvest until overages and management shortcomings were addressed.

This is a reminder that if the Bay cap is exceeded I will be required to notify the Atlantic States Marine Fisheries Commission. This notification could result in a finding of non-compliance by the Commission and a referral to the Secretary of Commerce. Should the Secretary of Commerce determine yet again that Omega has not complied with the law, she may declare another moratorium on the harvest of menhaden in the Virginia waters. This moratorium would impact all sectors of the menhaden fishery, including the critical bait fishery, and the workers you claim to support.

An exceedance of the Chesapeake Bay quota would also require any overages to be paid back during the 2022 fishing season, limiting your flexibility to harvest from Bay waters during inclement weather next year.

I am also concerned with the frequency of fish spills/kills that have occurred during Omega's prosecution of the menhaden fishery. In the last two days, Omega has had two incidents that resulted in an estimated 400,000 fish spilled and presumably dead by your company's own

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account. My Fishery Management Division estimates that this equates to 268,000 pounds or 121.6 metric tons. Over the past four years (2018 to present), we have received 13 reports of fish spills by your company, averaging 121,000 fish per spill event. Should this type of activity continue to occur, this could trigger an amendment to the regulation whereby these spill volumes could be deducted from the established quota. As we know, this species is very important to the viability of the Bay and is a public trust that must be harvested responsibly.

Thank you for your attention to the concerns raised in my letter. Should you have any questions, do not hesitate to contact my Chief of Fisheries, Mr. Pat Geer, or me.

Sincerely,

A handwritten signature in blue ink, appearing to read "S.G. Bowman", is written over a light blue horizontal line.

Steven G. Bowman

CC: The Honorable Matthew J. Strickler, Secretary of Natural and Historic Resources

BCC: Bob Beal, ASMFC