

SenatorBailey_FAV_SJ6.pdf

Uploaded by: Bailey, Jack

Position: FAV

JACK BAILEY
Legislative District 29
Calvert and St. Mary's Counties

Judicial Proceedings Committee



THE SENATE OF MARYLAND
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March 10, 2021

Senate Joint Resolution 6 – Atlantic States Marine Fisheries Commission – Atlantic Menhaden – Population Evaluation and Prohibition on Commercial Reduction Fishing

Dear Chairman Pinsky and Members of the Committee,

I am writing to introduce Senate Joint Resolution 6 – Atlantic States Marine Fisheries Commission – Atlantic Menhaden – Population Evaluation and Prohibition on Commercial Reduction Fishing. This joint resolution requests that the Atlantic States Marine Fisheries Commission evaluate the population of Atlantic menhaden in the Chesapeake Bay. This resolution also recommends that, in order to maintain a sustainable Atlantic menhaden fishery, the ASMFC consider prohibiting the commercial reduction fishing of Atlantic menhaden, including the use of purse seines and spotter planes, in the Chesapeake Bay.

The policy changes requested by this resolution would prohibit the large vessels owned by a foreign country from overharvesting the bait fish that are vital to the future of our fish populations in the Bay as they have done in the past. While this form of fishing is illegal in Maryland, it is still permitted in the Virginia waters of the Chesapeake Bay. Reduction fishing in the Bay is done by the Omega Fish Oil Company, which used to be a Virginia-based company but has now been sold to a foreign country. The reduction fishery has the ability to take 26% of the total Atlantic Coast menhaden quota from Maine to Florida from the Chesapeake Bay. This poses a substantial threat to the billions of dollars in economic impact and thousands of jobs that are associated with both commercial and recreational fishing within the Bay. The reduction fishery in the Chesapeake Bay threatens the population of fish species like striped bass, trout, drum, shad, and bluefish, all of which have seen alarming trends in their populations.

It is important to be very aware that that Maryland does not allow this type of reduction fishing, nor the bycatch allowed with reduction fishing. Menhaden are principally harvested in this State to use as bait for other fish or crabs. Therefore, this resolution would not impact any of our local Maryland watermen, sport fishermen, or outdoorsmen. It is important that the General Assembly recognizes that the commercial watermen, the charter boat captains, and the sport fishermen are on the same page in supporting this resolution.

It is time to tell Virginia that enough is enough. I respectfully request a favorable report on Senate Joint Resolution 6. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Bailey".

Senator Jack Bailey
District 29
Calvert and St. Mary's Counties

SJ6_FAV_Lilly

Uploaded by: Lilly, Tom

Position: FAV

TESTIMONY OF THOMAS LILLY – Senate Environmental Committee

Please look at the school of bay menhaden in the Omega net. Photo page 3. That is the food for our fish and wildlife being taken and exported to Canada. Multiply this by nine ships catching about 12,000 of these schools of menhaden from May to December. Chesapeake Bay is the place on the Atlantic coast that needs the menhaden the most but under the present upside-down system it is the place the most menhaden, by far, is taken from. This needs to be stopped. Moving all the factory fishing into the US Atlantic zone north of Cape Charles, Virginia will prevent this and would not cost a single job in Virginia. They will be catching from schools that have migrated past the bay. This would guarantee bay wildlife would get an additional 50,000 tons of menhaden a year. This is what every other state on the Atlantic, but Virginia, has done. The choice for the Maryland delegates seems very clear. Save that huge amount of food for the wildlife or give it to Omega Corporation.

The ASMFC spent five years and millions of dollars researching menhaden depletion in the bay between 2004 and 2009. The effort bogged down so the Commission hired an independent consultant to advise them. He advised the Commission and Maryland's three delegates that more research would not help. He recommended seasonal and area closures to protect the bay and its fishermen from the factory fishing. This could have been accomplished, as we said, by moving the fishing out of Virginia waters into the US Atlantic zone away from the bay. Our Maryland delegates did not follow that advice and the bay has unnecessarily suffered the bad consequences the expert predicted for 12 years since then. It just keeps getting worse and worse. Take a look Bryan Watts letter on Ospreys page 4 and CBF press release page 5-6. Osprey chick starvation from a lack of menhaden. Struggling striped bass, menhaden in diet from 70% to 8%.

The Bay needs this resolution and your support to keep the Maryland Delegation from avoiding action by requesting more research. ASMFC Director Robert Beal has said the Delegates have a duty to act now because the bay wildlife is in poor condition. see page 3 and 4 and the full text of his letter at our website menhadenproject.org.

The incredible improvements that happened when purse seining was outlawed in New York bays and coastal zone is described in the attached mail from the editor of NY Angler. Page 7. With your support we could have those same kinds of changes in Chesapeake Bay.

Thank you, Tom Lilly , Whitehaven-Wicomico County

For details and opinions please see our website with an explanation of the benefits of the suggested closures at pages 13-14 and tables of the hundreds of thousands of Marylanders affected by the Delegates decisions at pages 22-23.

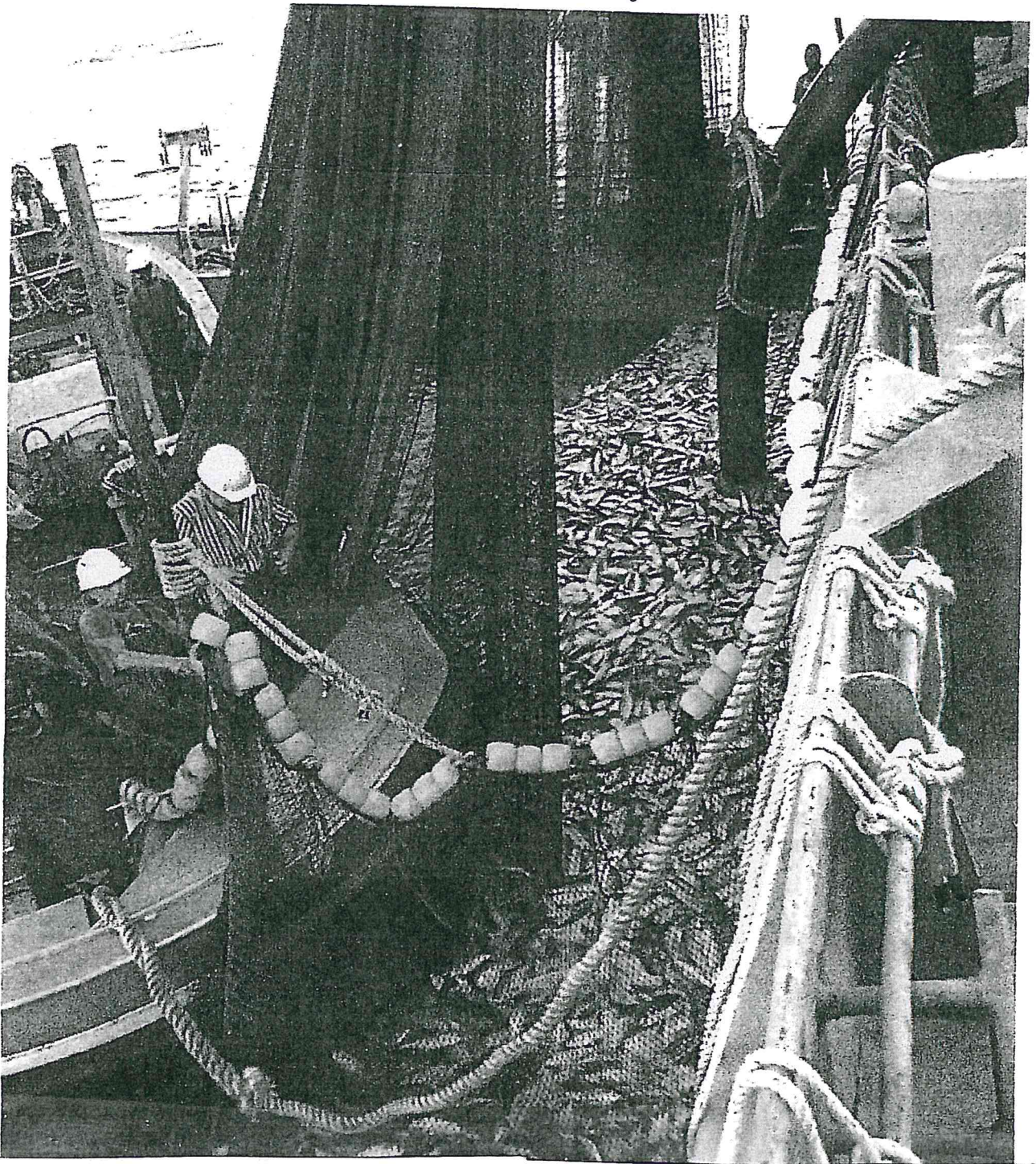
PS to the Senatorsthe following is not included in testimony due to time issues. Please read and let us know how this situation can be resolved. Contact us at foragematters@aol.com or 443 235 4465

You should be aware the current Maryland Delegates refuse to even discuss the merits of the time and area closures proposals with the public. They just want to start doing more unnecessary research to avoid making any changes. As we said the delegates inaction flies in the face of ASMFC Director Beal's recent advice to them. He said that due to the poor condition of bay wildlife the Delegates have a duty to take preventative action... not postponing action, to protect the menhaden due to the poor condition of bay wildlife. Under the Commission Charter they are to act using the best ecologic, social and economic information *available* not to wait for more research that may never be accepted. Charter Section eight (f). The MD DNR and the Maryland Delegates are essentially trustees for the public in the allocation of Maryland's natural resources. As such they both owe the interested public access and transparency. They should welcome input and discussion with the public not avoid it. Perhaps someone else might have something valuable to contribute. We are hopeful the legislature will prevail upon the DNR fisheries staff and the Maryland Delegates to the ASMFC menhaden board to be more responsive. Thank you...

6919

3/9/2019

Menhaden in Virginia





The Center for Conservation Biology

William & Mary

20 August 2020

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The Honorable Ralph Northam
Governor, State of Virginia
PO Box 1475
Richmond, VA 23218

Dear Governor Northam,

The menhaden is a keystone fish within the Chesapeake Bay ecosystem. Many of our most iconic species including the bald eagle, osprey, great blue heron and brown pelican depend on menhaden stocks to sustain their breeding populations within the Bay. Other species such as common loons and northern gannets that stage within the Chesapeake also depend on menhaden to fuel their migrations. Approximately 30% of the North Atlantic gannet population comes into the Bay during the spring to feed on menhaden before flying north to breeding grounds in Newfoundland.

Deep withdraws of menhaden stocks for the reduction fishery is having an impact on consumer species. We have conducted fieldwork with osprey throughout the lower Chesapeake Bay for 50 years and data demonstrate ongoing impacts. Through three generations of graduate students (1975-2006) we have observed shifts in diet and an associated reduction in productivity. Fish delivery rates were more than three times higher in 1975 compared to 2006. Menhaden, once the dominant fish in the diet now represents less than 30%. Shifts in diet away from menhaden have been coincident with a 90% reduction in menhaden stocks (Maryland, DNR haul surveys). No other fish species available to consumers provides the energy content of menhaden. Reductions in menhaden stocks have caused osprey productivity to decline to below DDT-era rates. These rates are insufficient to support the osprey population within the main stem of the Bay.

Menhaden provide critical ecosystem services within the Chesapeake Bay. We request that the needs of the broader ecosystem be considered when setting harvest policy and that menhaden stocks be maintained at levels that support a healthy Chesapeake Bay ecosystem.

Sincerely,

Bryan D. Watts, Ph.D.
Mitchell A. Byrd Professor of Conservation Biology
Director, Center for Conservation Biology
College of William and Mary

If you enjoy feeling the tug of a big rockfish on the end of your line (and savoring the taste of it at dinner) or watching osprey snatch a silvery fish from the water, you have menhaden to thank! These small fish are the unsung heroes of the Chesapeake Bay, providing a rich food source for many of our favorite critters.

[of-menhaden-conservation.html](http://www.cbf.org/about-the-bay/more-than-just-the-bay/chesapeake-wildlife/northern-green-frog-at-home-in-the-bog.html)

Northern Green Frog
<http://www.cbf.org/about-the-bay/more-than-just-the-bay/chesapeake-wildlife/northern-green-frog-at-home-in-the-bog.html>

Ospreys
<http://www.cbf.org/about-the-bay/more-than-just-the-bay/chesapeake-wildlife/ospreys/>

Pelicans
<http://www.cbf.org/about-the-bay/more-than-just-the-bay/chesapeake-wildlife/moving-on-up-pelicans-are-at-home-on-the-bay.html>

River Otters
<http://www.cbf.org/about-the-bay/more-than-just-the-bay/chesapeake-wildlife/aquatic-ambassadors-river-otters-are-poster-pups-for-conservation.html>

Rockfish
<http://www.cbf.org/about-the-bay/more-than-just-the-bay/chesapeake-wildlife/rockfish/>

Sea Nettles
<http://www.cbf.org/about-the-bay/more-than-just-the-bay/chesapeake-wildlife/sea-nettles.html>

Smallmouth Bass
<http://www.cbf.org/about-the-bay/more-than-just-the-bay/chesapeake-wildlife/smallmouth-bass.html>

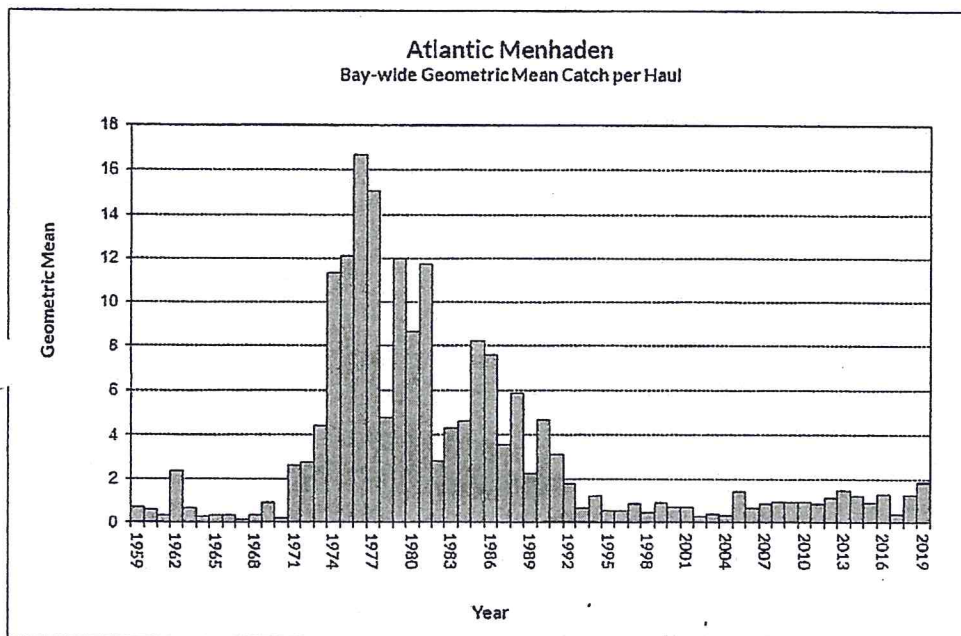
Sturgeon
<http://www.cbf.org/about-the-bay/more-than-just-the-bay/chesapeake-wildlife/sturgeon.html>

Terrapins
<http://www.cbf.org/about-the-bay/more-than-just-the-bay/chesapeake-wildlife/terrapins-swimming-for-shore.html>

Tundra Swans
<http://www.cbf.org/about-the-bay/more-than-just-the-bay/chesapeake-wildlife/tundra-swans-a-fading-winter-chorus-in-the-chesapeake.html>

What are the threats facing menhaden?

The Bay is one of the most important nurseries for menhaden, helping to sustain the population along the Atlantic coast. Menhaden eggs hatch in the open ocean before drifting on currents into the Bay, where juvenile fish live and grow for their first year of life. But long-running scientific surveys show the number of young menhaden in the Chesapeake Bay dropped dramatically in the early 1990s and remains low.



This graph represents the average number of juvenile menhaden available ("abundance"), which has a direct impact for predators like striped bass and osprey. Unfortunately, the number of young menhaden produced in the Bay each year has been poor for the last 20 years.

DURELL, E.Q., AND WEEDON, C. 2019. STRIPED BASS SEINE SURVEY JUVENILE INDEX WEB PAGE. DNR.MARYLAND.GOV/FISHERIES/PAGES/JUVENILE-INDEX.ASPX. MARYLAND DEPARTMENT OF NATURAL RESOURCES, FISHERIES SERVICE

At the same time, almost three-quarters of all menhaden caught on the East Coast are harvested by the Omega Protein Corporation—a Canadian-owned company that fishes largely in or near the mouth of the Bay. Omega operates the sole remaining menhaden reduction facility on the U.S. East Coast in Reedville, Virginia. The plant reduces (cooks and grinds up) the fish for a variety of uses, such as nutritional supplements, food additives, and feed for livestock and fish farms.

Menhaden by the Numbers

70%

The amount of an adult rockfish's diet historically filled by menhaden.

8%

The amount of an adult rockfish's diet currently filled by menhaden

Stay up to date about the Bay!

The rockfish population in the Chesapeake Bay is showing signs of malnutrition and increasing mortality

75%

The amount of an osprey nestling's diet filled by Menhaden in the 1980s

28%

The amount of a nestling's diet filled by menhaden today. Though the number of nests through out the bay has improved, nesting mortality is as high as it was in the DDT era.

65%

The annual removal of adult menhaden from East Coast waters.

2,500

The number of jobs supported by menhaden-dependent species in Virginia alone.

\$236

In millions, the total amount fishing for menhaden-dependent species contributes to Virginia's economy.

8%

The current Atlantic menhaden population compared against historical levels.

Why is there a harvest cap for menhaden in the Bay?

Menhaden migrate along the Atlantic coast from Florida to Maine. An interstate governing body—the Atlantic States Marine Fisheries Commission (ASMFC)—manages the fishery for the 15 states that share the coastline.

Over the past two decades, fishery managers have raised concerns that the concentration of fishing effort in Bay waters could disrupt the Bay's food chain, harming populations of rockfish and other predator species. As a precaution, the ASMFC first set a cap for Omega's industrial menhaden harvest in the Bay in 2006. In 2017, the ASMFC voted to update the cap to reflect more recent menhaden harvest levels in the Bay.

In blatant disregard for the fishery management process, Omega knowingly exceeded the cap in 2019 (<http://www.cbf.org/news-media/newsroom/2019/virginia/cbf-expresses-deep-concern-with-omega-proteins-announcement-it-will-violate-the-bay-menhaden-cap.html>). The violation resulted in a unanimous ASMFC vote (<http://www.cbf.org/news-media/newsroom/2019/virginia/fisheries-board-finds-virginia-out-of-compliance-with-menhaden-harvest-cap.html>), referring Virginia to the U.S. Department of Commerce for noncompliance with interstate fishery rules. The Secretary of Commerce decided to uphold the ASMFC decision (<http://www.cbf.org/news-media/newsroom/2019/virginia/us-commerce-department-takes-action-after-virginia-menhaden-limit-exceeded.html>). The new harvest cap approved by the VMRC in April 2020 lowers the amount of menhaden that

**SIGN UP
(HTTP://WWW.
US/STAY-UP-
TO-DATE-
ABOUT-THE-
BAY.HTML)**

In the News

08/05/20: ASMFC Adopts Groundbreaking Change to Menhaden Fishery Management (<http://www.cbf.org/news-media/newsroom/2020/all/asmfc-adopts-groundbreaking-change-to-menhaden-fishery-management.html>)

04/28/20: New Menhaden Limits Approved by VMRC, Preventing Fishery Shutdown (<http://www.cbf.org/news-media/newsroom/2020/virginia/menhaden-limits-approved-by-vmrc-preventing-fishery-shutdown.html>)

02/27/20: Menhaden Legislation Approved by Virginia House And Senate (<http://www.cbf.org/news-media/newsroom/2020/virginia/legislation-approved-by-virginia-house-and-senate.html>)

01/29/20: Menhaden Legislation Approved by Virginia House and Senate Committees (<http://www.cbf.org/news-media/newsroom/2020/virginia/legislation-approved-by-virginia-house-and-senate-committees.html>)

12/19/19: U.S. Commerce Department Takes Action after Virginia Menhaden Limit Exceeded (<http://www.cbf.org/news-media/newsroom/2019/virginia/commerce-department-takes-action-after-virginia-menhaden-limit-exceeded.html>)

11/21/19: CBF Statement on Gov. Northam's Call for Action on Menhaden (<http://www.cbf.org/news-media/newsroom/2019/virginia/c>)

FWD: Menhaden

From: George Scocca george@nyangler.com

To: Tom foragematters@aol.com

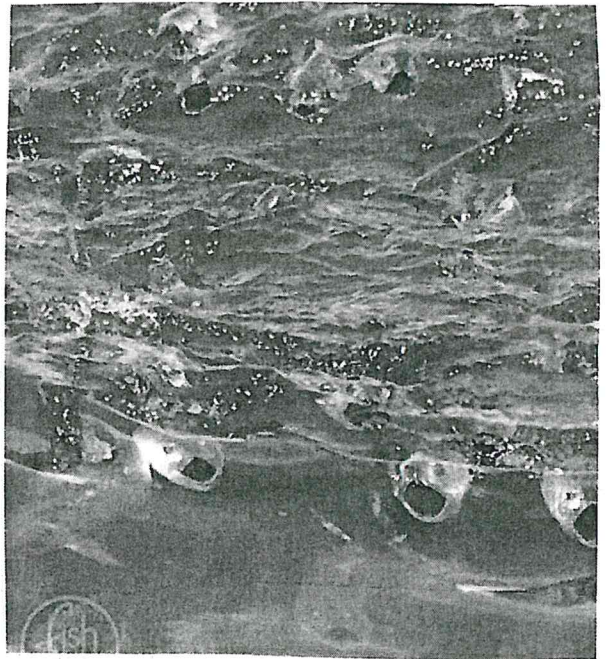
Date: Mon, March 8, 2021 7:15am

Hello Tom:

I am the person that spearheaded the bill that has kept reduction fishing out of NY waters. The changes here have been unbelievable. I can talk about it all day. My single greatest accomplishment in 35 years of fisheries management.

The availability of bunker throughout our season has seen an increase in both charter and party boats carrying anglers to get in on our great striped bass fishery. Bass stick with their food source and this has kept a healthy population of stripers in our waters. It's sparked a number of for hire boats to carry more anglers than ever before.

It has also had a profound effect on our bird population. We now have about 12 dozen nest pair eagles on long island and the osprey population is thriving. All due to the amount of forage for them to eat.



And lets not forget the importance of their filtering our waters.

Thank you.

George R. Scocca
nyangler.com

Check out my LinkedIn profile

SJ6 - Atlantic States Marine Fisheries Commission–

Uploaded by: Tulkin, Josh

Position: FAV



7338 Baltimore Ave Suite 102
College Park, MD 20740

Committee: Education, Health, and Environmental Affairs

Testimony on: SJ6 - “Atlantic States Marine Fisheries Commission – Atlantic Menhaden – Population Evaluation and Prohibition on Commercial Reduction Fishing”

Position: Support

Hearing Date: March 10, 2021

The Maryland Sierra Club urges a favorable report on SJ6, a resolution which asks the Atlantic States Marine Fisheries Commission to exercise its authority regarding the management of the menhaden fishery to consider prohibiting commercial reduction fishing of Atlantic menhaden, including the use of purse seines and spotter planes, in the Chesapeake Bay.

Atlantic menhaden are a keystone species for the Chesapeake Bay. As noted by this resolution, Atlantic menhaden form a critical connection between the bottom and the top of the food chain. They eat plankton and rotifers as filter feeders, and are a rich food source for many predators, including rockfish, osprey, and bald eagles. As filter feeders, they help clear nutrient-polluted Bay waters. However, the number of menhaden juveniles have decreased significantly since 1976, from over 16 million average catch per haul to less than 2 million per haul.¹

In order to protect the natural wonders of the Chesapeake Bay, it is important that action be taken now. We urge the Committee to issue a favorable report.

Marc Imlay
Endangered Species Coordinator
Natural Places Committee
marc.imlay@mdsierra.org

Josh Tulkin
Chapter Director
josh.tulkin@mdsierra.org

¹ Durrell, E. Q. & Weedon, C. (2019). Striped Bass Seine Survey Juvenile Index Web Page. DNR.Maryland.gov/Fisheries/Pages/Juvenile-Index.ASPX. Maryland Department of Natural Resources, Fisheries Service.

Founded in 1892, the Sierra Club is America’s oldest and largest grassroots environmental organization. The Maryland Chapter has over 75,000 members and supporters, and the Sierra Club nationwide has over 800,000 members and nearly four million supporters.

2021-0310 SJ0006 Testimony of Phil Zalesak for pdf

Uploaded by: ZALESAK, Philip

Position: FAV

SJ0006 Testimony of Phil Zalesak (3/10/21)

Good morning Committee Members,

My name is Phil Zalesak and I am the originator of this resolution.

The **issue is that Atlantic menhaden are a critical forage fish for striped bass, bluefish, and weakfish**, and there aren't enough Atlantic menhaden along the Atlantic Coast to ensure the survivability of these predator fish.

- Therefore, the **Atlantic Menhaden Management Board**, which manages the Atlantic menhaden fishery management plan, lowered the total allowable catch of Atlantic menhaden 10% to help ensure the survivability of these predators. The catch was lowered from 216,000 metric tons to a little over 192,000 metric tons.
- So, who is catching these fish? The **Board** and the **State of Virginia** together allocated **71% of the total allowable catch** for the entire Atlantic Coast to **Omega Protein**. Omega Protein, a Canadian owned company, is the last remaining reduction fishery on the Atlantic Coast. Their **quota is over 136,000 metric tons or 620 million fish** (220 grams/reduction fish on average) which can be harvested from the Virginia portion of the Chesapeake Bay and the Atlantic Ocean.
- Under the Board's current fishery management plan **Omega Protein can harvest 51,000 metric tons or over 232 million fish** from the Virginia portion of Chesapeake Bay. That represents **26.5% of the total allowable catch for the entire Atlantic Coast**. Clearly overharvesting is occurring in the Chesapeake Bay.
- The remaining **85,313 metric tons or 388 million fish** are caught in the Atlantic Ocean.
- In summary, **Omega Protein** is allocated a total of **620 million fish** to harvest with **232 million fish** coming from the Virginia portion of the **Chesapeake Bay** and **388 million fish** coming from the Atlantic Ocean with many being harvested at the entrance of the Chesapeake Bay.

So, what is the impact?

- Over the last 22 years there has been a devastating **decline in the commercial harvest** of striped bass, bluefish, and weakfish with reductions of **34%**, **76%**, and **98%**, respectively.
- Over the last 20 years there has been a devastating **decline in commercial fishermen** in Maryland and Virginia for a total of **668 fishermen** with reductions of 32% and 40% respectively.
- Over **60% of the ocean-going striped bass** on the Atlantic Coast originate as **spawn in the Chesapeake Bay** and its tributaries.
- **GDP** associated with the striped bass recreational fishing industry alone on the Atlantic Coast amounts to **7.7 billion dollars** and over **104,000 jobs** as reported in the 2019 striped bass fishery management report. Clearly this is impacting the business base of other states not just Maryland and Virginia.
- In August 2020 Dr. Bryan Watts, a professor at William and Mary, stated in a letter to Virginia Governor Northam the following:

"Deep withdraws of menhaden stocks for the reduction fishery is having an impact on consumer species. We have conducted fieldwork with osprey throughout the lower Chesapeake Bay for 50 years and data demonstrate ongoing impacts. . . Reductions in menhaden stocks have caused osprey productivity to decline to below DDT-era rates. These rates are **insufficient to support the osprey population within the main stem of the Bay.**"

SJ0006 Testimony of Phil Zalesak (3/10/21)

In conclusion, I fully support the resolution as written. This would preclude reduction fishing within the Chesapeake Bay and would not take one fish from Omega Protein's current allocation. Atlantic menhaden need to recover for the **benefit of recreational fishermen, non-reduction commercial fishermen**, and last but not least, the **marine environment**.

Data I presented is documented in publications or emails by the Atlantic States Marine Fisheries Commission, the Maryland Department of Natural Resources, the Virginia Marine Resources Commission, the Potomac River Fisheries Commission, or scientists. See my references and source data below.

I thank you for your time. I will answer any questions you may have.

Phil Zalesak
President
Southern Maryland Recreational Fishing Organization
www.smrfo.com
<https://www.facebook.com/groups/598428253621775/>

Finfish Advisory Committee Member
Potomac River Fisheries Commission
http://prfc.us/finfish_advisory_committee.pdf

REFERENCES AND DATA IN SUPPORT OF THIS PROPOSAL

References:

- (a) <http://www.asmfc.org/calendar/2/2021>
- (b) http://www.asmfc.org/uploads/file/5e4c4064AtlMenhadenERPAssmt_PeerReviewReports.pdf
- (c) <http://www.asmfc.org/uploads/file/5f8f5e30pr23AtlMenhaden2021-2022TAC.pdf>
- (d) <https://law.lis.virginia.gov/admincode/title4/agency20/chapter1270/section30/>
- (e) http://www.asmfc.org/uploads/file//5a4c02e1AtlanticMenhadenAmendment3_Nov2017.pdf
- (f) <https://www.facebook.com/william.dunn.1272>
- (g) <https://wilberglab.cbl.umces.edu/pubs/Liljestrand%20et%20al%202019a.pdf>
- (h) http://www.asmfc.org/files/Meetings/2019SpringMeeting/SAW66_AssessmentReport_AtlStripedBassOnly_reduced.pdf
- (i) http://www.asmfc.org/uploads/file/5dd447baStripedBassAddendumVI_Amend6_Oct2019.pdf
- (j) Letter to Virginia Governor Ralph Northam from Dr. Bryan Watts of 8/21/20

1. Overharvesting of Atlantic Menhaden and Its Impact on the Entire Atlantic Coast

Overharvesting of Atlantic menhaden by the Omega Protein Corporation reduction fishery has adversely impacted the sustainability of important recreational and commercial predator fish such as **striped bass**, **bluefish**, and **weakfish**. The latest assessment of Atlantic menhaden is contained in the **Atlantic Menhaden Ecological Reference Points Stock Assessment Report** (reference (b)). This report was approved by the Atlantic Menhaden Management Board in August 2020 as reported in reference (c). The report states that when survivability of predator fish is considered, versus simply viewing Atlantic menhaden from a single species standpoint, a lower Atlantic menhaden mortality rate is required in order to ensure the survivability of striped bass. See pages iv and 375 of reference (b)). That is why the ASMFC reduced the total allowable catch for the Atlantic Coast from **216,000 metric tons** to **192,456 metric tons** (reference (c)).

SJ0006 Testimony of Phil Zalesak (3/10/21)

2. Localized Overharvesting of Atlantic Menhaden and Its Impact on the Chesapeake Bay

While the above reduced allowable catch may improve the survivability of predator species overall, the concentrated overharvesting of Atlantic menhaden by Omega Protein Corporation will continue in the Chesapeake Bay and its ocean entrance for the following reasons:

- the massive ASMFC quota allocation to Virginia
- the massive ASMFC quota allocation for the Chesapeake Bay reduction fishery cap
- the concentration of Omega Protein Corporation fishing ships within the Chesapeake Bay and at the Bay’s ocean entrance
- the migration patterns of Atlantic menhaden in Virginia and Maryland waters

These quotas and harvesting activities are adversely impacting predator fish coast-wide.

The **Virginia allocation** for 2021-22 is **151,392 metric tons** and constitutes **78.66 % of the total allowable catch for the entire Atlantic Coast** (reference (c)). See Table 1.

The **Virginia reduction fishery allocation (Omega Protein Corporation)** is **136,313 metric tons** and constitutes **70.83 % of the total allowable catch for the entire Atlantic Coast**. It also constitutes 90.04% of the total Virginia allocation (reference (d)).

The **Chesapeake Bay reduction fishery cap** is **51,000 metric tons** and constitutes **26.50 % of the total allowable catch for the entire total Atlantic Coast** in accordance with the latest ASMFC fishery management plan (page v, reference (e)). This cap is an allocation for the Virginia portion of the Chesapeake Bay, from the state line in the north to the Chesapeake Bay Bridge-Tunnel in the south (see figures 1 and 2). **This clearly represents overharvesting of the Chesapeake Bay region.**

Note from Table 1 that the Atlantic Coast allocation is the only allocation that is based on an ecological reference point study. There is no scientific justification for the others.

Region	ASMFC Allocation in Metric Tons	Percent of Atlantic Coast Total Allowable Catch	Scientific Justification
ASMFC Atlantic Coast	192,456	100.00%	ERP Stock Assessment
Virginia Allocation	151,392	78.66%	None
Virginia Reduction Fishery Allocation – Omega Protein Corporation (90.04%)	136,313	70.83%	None
ASMFC Chesapeake Bay Reduction Cap	51,000	26.50%	None

Table 1. Atlantic Menhaden Allocation by Region

Because of the geographically concentrated locations associated with the Omega Protein Corporation reduction fishery allocation and the Chesapeake Bay reduction cap, Omega Protein Corporation positions their fishing ships inside the Chesapeake Bay and south of the Chesapeake Bay Bridge-Tunnel, just outside the cap area. See Figures 1 and 2 below (reference f). The locations at the mouth of the Bay allow their ships to intercept all menhaden migration into and out of the Bay while still being outside the Cap area. This effectively reduces the protection that is intended by the Chesapeake Bay Reduction Cap.

SJ0006 Testimony of Phil Zalesak (3/10/21)

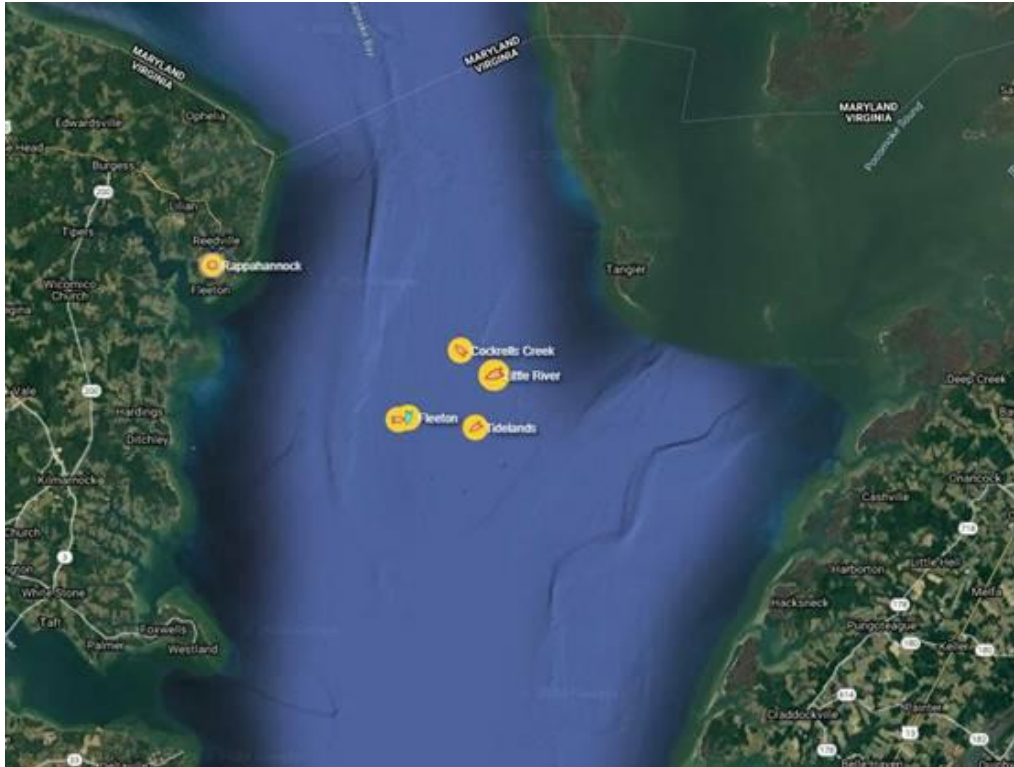


Figure 1. Deployment of Omega Protein Corporation Reduction Fishing Ships within the Chesapeake Bay – 6/26/20 (Source: William Dunn Facebook Page)

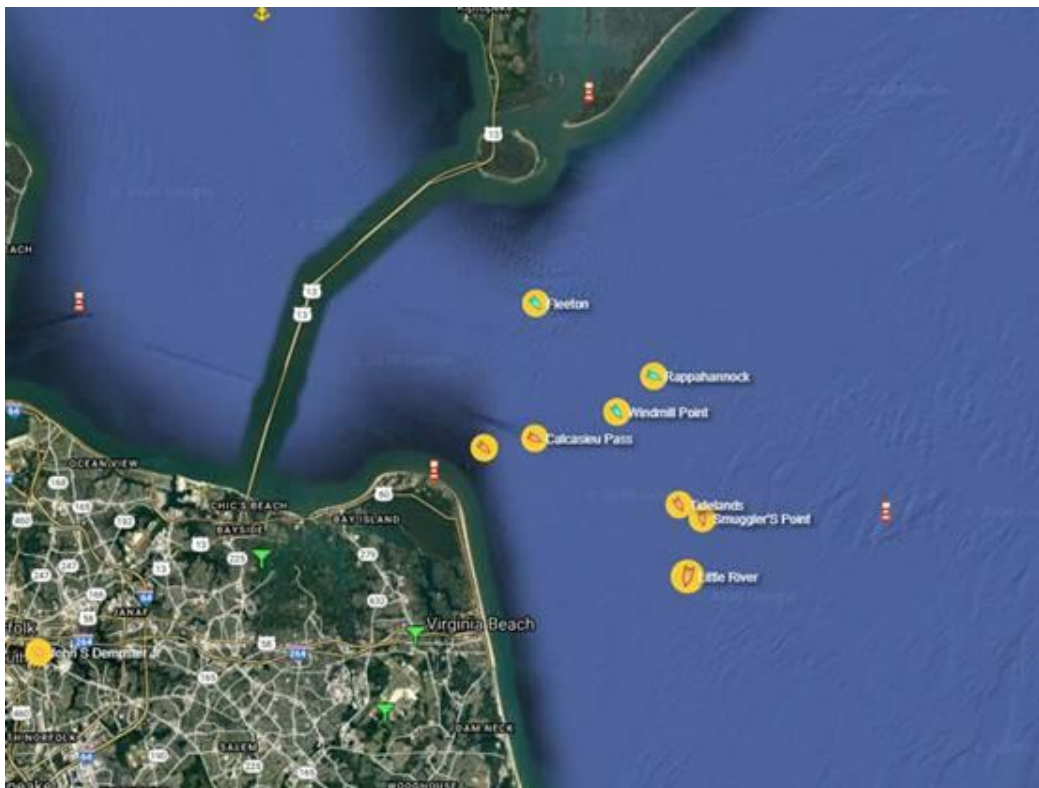


Figure 2. Deployment of Omega Protein Corporation Reduction Fishing Ships within the 3 nautical mile Exclusive Economic Zone – 12/7/20 (Source: William Dunn Facebook Page)

SJ0006 Testimony of Phil Zalesak (3/10/21)

The impact of this geographically concentrated overharvesting is made worse in the Maryland and Virginia waters (Region 2) by the lack of migration that occurs during summer and fall months, which is the principal time period when Omega Protein Corporation conducts its reduction fishing (See Figures 3 and 4, taken from pages 205 and 210, respectively, reference (g)). Page 209 of reference (g) states:

“More than 95% of individuals were expected to stay in the same region from month to month during June-October, with a single exception; approximately 25% of individuals were estimated to move from region 3 to region 2 in June.”



Figure 3. Atlantic menhaden regions studied for migration - Region 2 encompasses the Chesapeake Bay Region (page 205, reference (g))

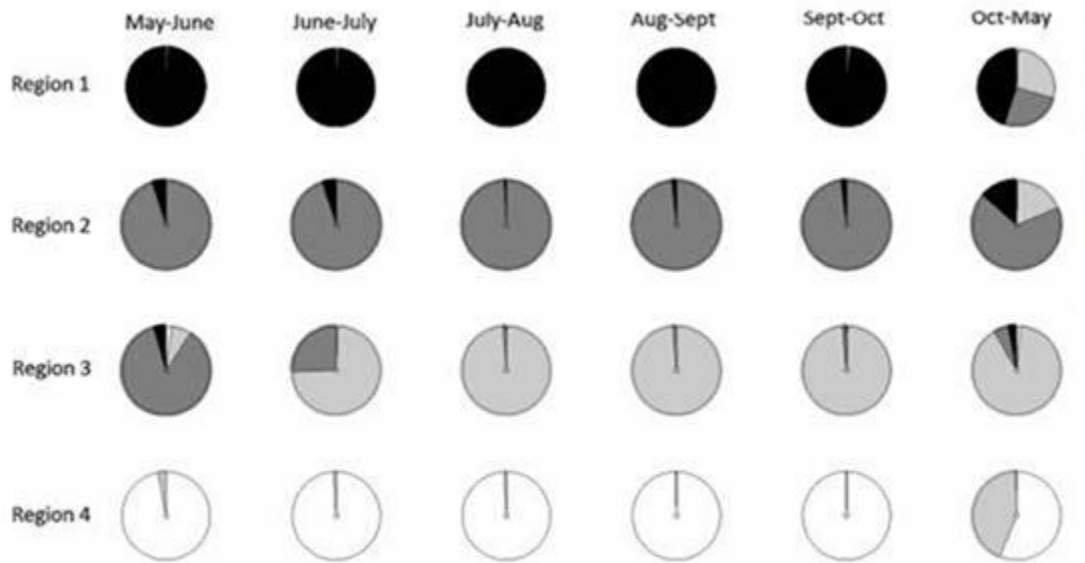


Figure 4. Estimated movement rates for each month May through October and between October and May. Each pie chart shows the fraction of the population in a region that was estimated to move to each of the other regions. Colors indicate regions: Region 1- black, Region 2- dark gray, Region 3- light gray, and Region 4-white. Note the lack of migration during the reduction fishing season in Region 2.

3. Localized Overharvesting of Atlantic Menhaden and Its Impact on Chesapeake Bay Commercial Fisheries and Osprey

Overharvesting of Atlantic menhaden by the Omega Protein Corporation reduction fishery is adversely impacting the **commercial harvest** of **striped bass**, **bluefish**, and **weakfish**. Data provided by the Maryland Department of Natural Resources, the Virginia Marine Resources Commission, and the Potomac River Fisheries Commission indicates a steady decline in the commercial harvest of striped bass, bluefish, and weakfish in the Chesapeake Bay and Potomac River. Over the last 22 years the **commercial harvest for these fish has declined 34%, 76%, and 98%**, respectively (figures 5, 6, and 7).

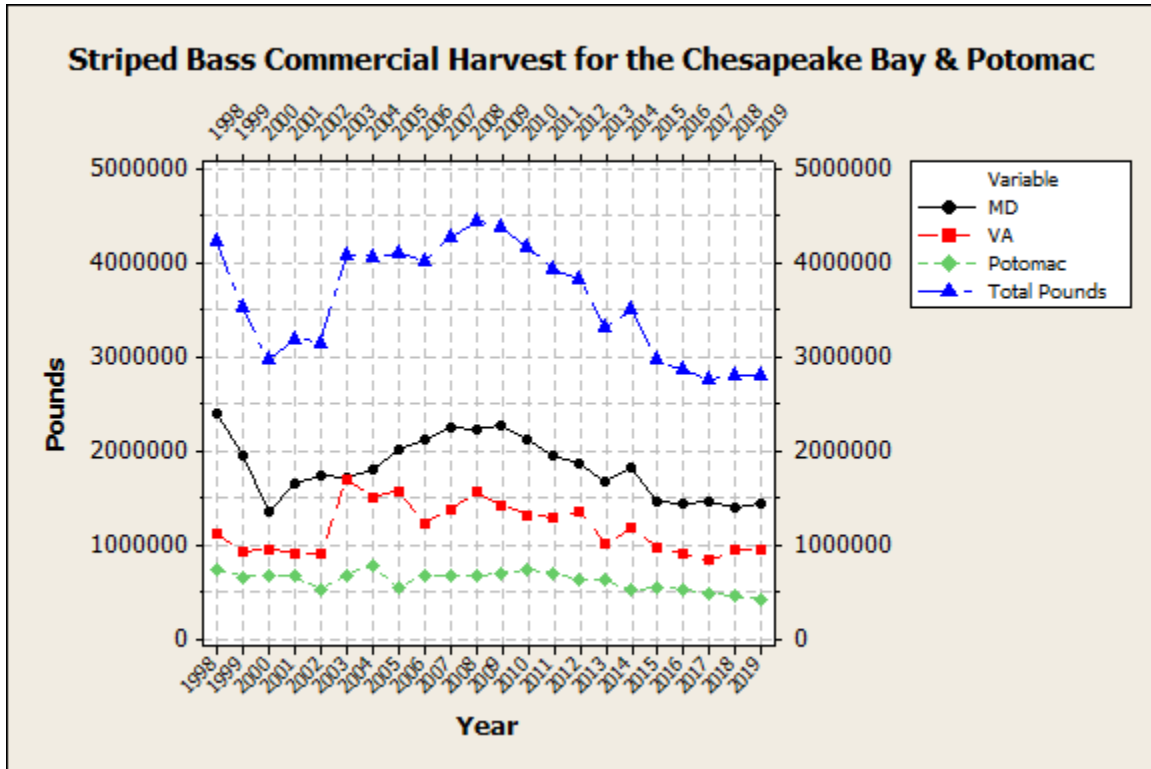


Figure 5. Decline in the Commercial Harvest of Striped Bass in the Chesapeake Bay and Potomac River since 1998 (Source: MD DNR, VMRC, and PRFC)

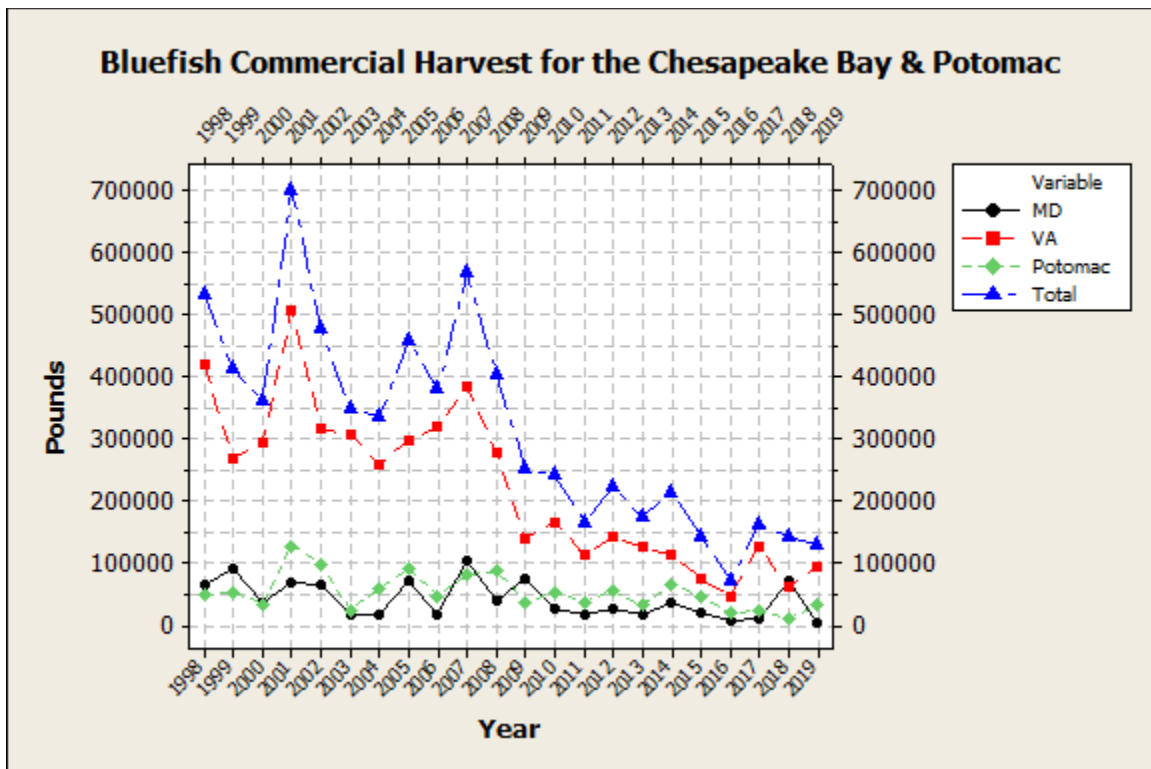


Figure 6. Decline in Commercial Harvest of Bluefish in the Chesapeake Bay and Potomac River since 1998 (Source: MD DNR, VMRC, and PRFC)

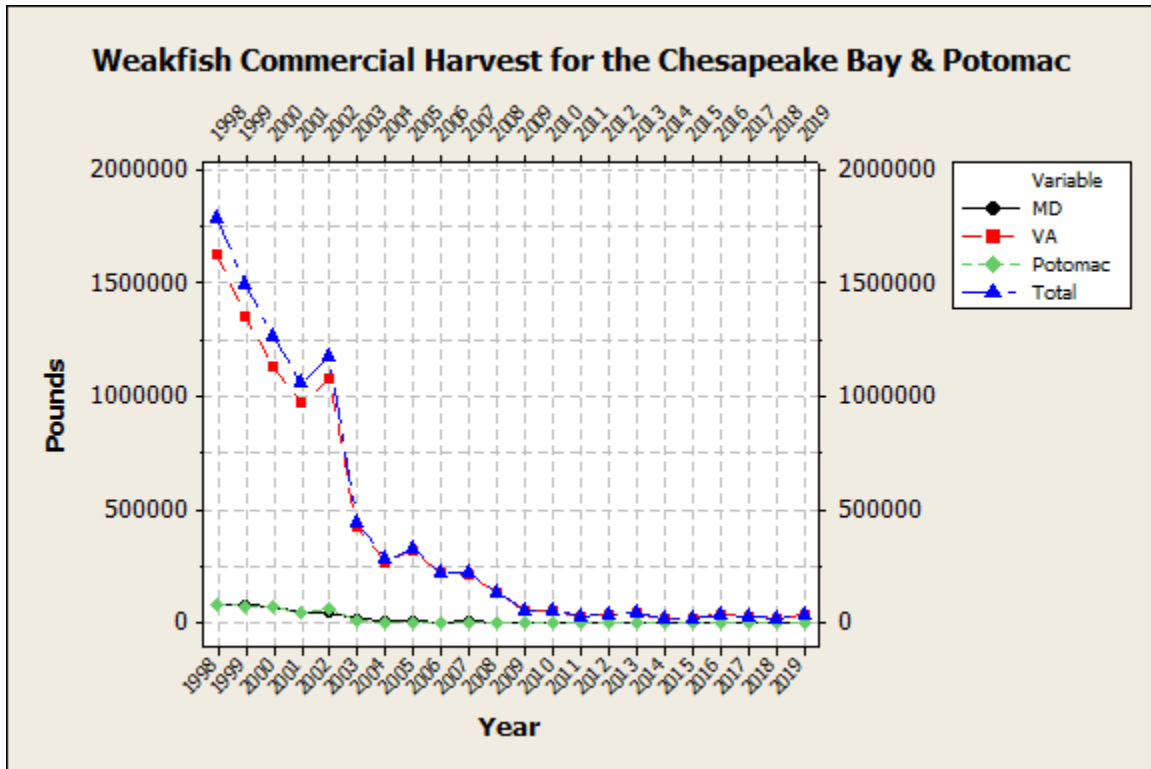


Figure 7. Decline in the Commercial Harvest of Weakfish in the Chesapeake Bay and Potomac River since 1998 (Source: MD DNR, VMRC, and PRFC)

These declines have adversely impacted the commercial fishermen in Maryland and Virginia who are engaged in the harvesting of these predators to make a living. Since 2000, Maryland has experienced a **32% decline in commercial fishermen (330)**, and Virginia has experienced a **40% decline in commercial fishermen (338)** (figures 8 and 9).

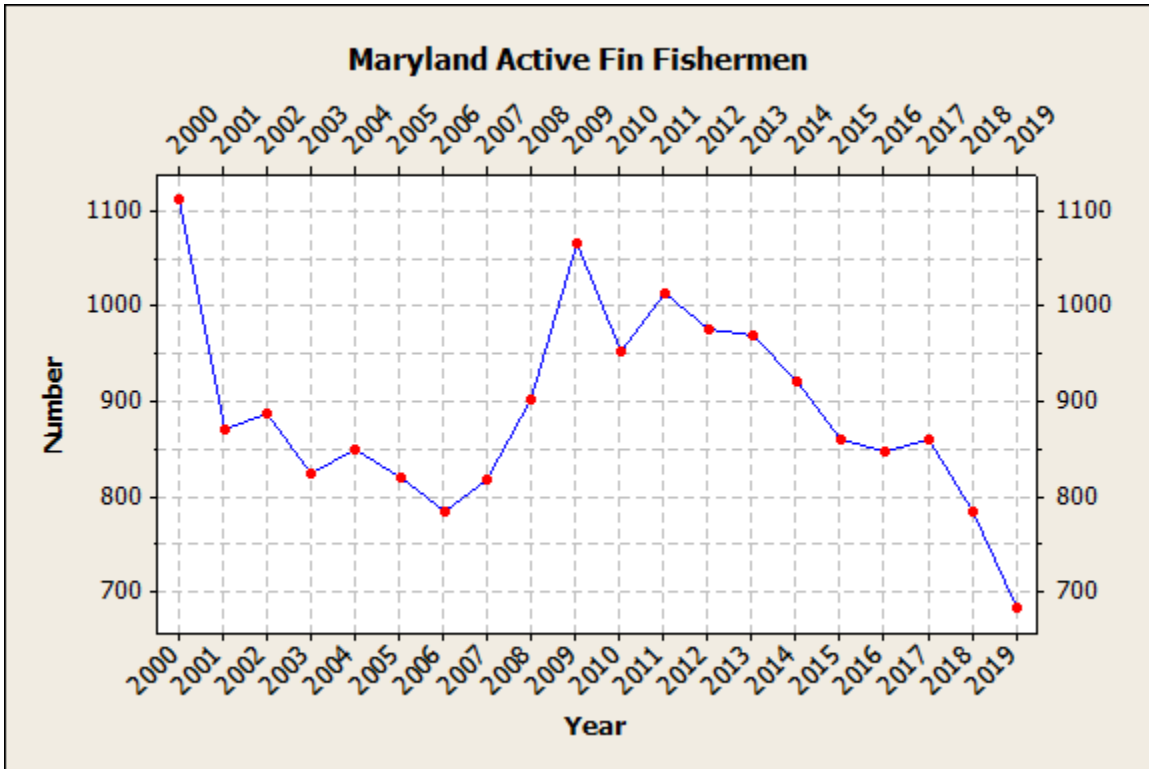


Figure 8. Decline in Maryland Commercial Fin Fish Fishermen since 2000 (Source: Gina Hunt, MD DNR – 2/28/2020)

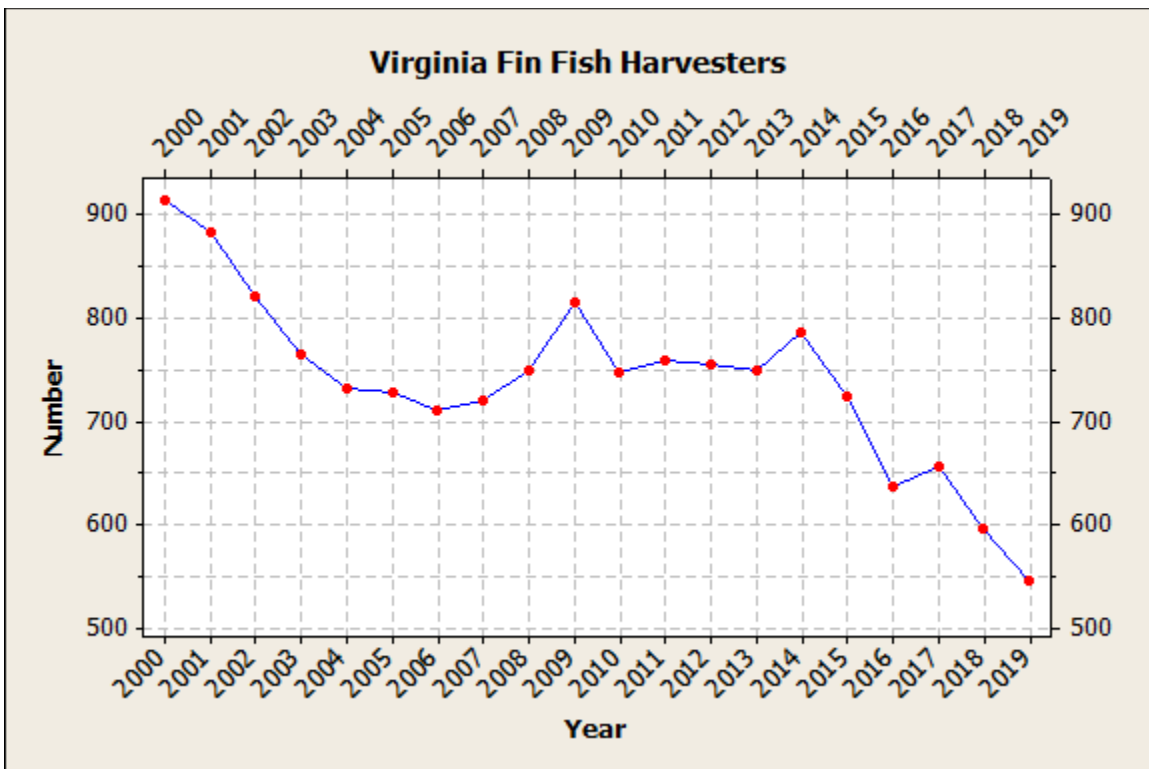


Figure 9. Decline in Virginia Fin Fish Harvesters since 2000 (Source: Pat Geer, VMRC – 4/21/2020)

SJ0006 Testimony of Phil Zalesak (3/10/21)

Overharvesting of Atlantic menhaden by the Omega Protein Corporation reduction fishery has adversely impacted ospreys in the Chesapeake Bay. Dr. Bryan Watts, a professor at William and Mary, stated in a letter to Virginia Governor Northam the following:

“Deep withdraws of menhaden stocks for the reduction fishery is having an impact on consumer species. We have conducted fieldwork with osprey throughout the lower Chesapeake Bay for 50 years and data demonstrate ongoing impacts. . . Reductions in menhaden stocks have caused osprey productivity to decline to below DDT-era rates. These rates are insufficient to support the osprey population within the main stem of the Bay.” – see attached

4. Localized Overharvesting of Atlantic Menhaden and Its Impact on the Atlantic Coast Business Base

Atlantic menhaden overharvesting impacts the entire Atlantic Coast as more than 60% of striped bass in the Atlantic Ocean may begin as spawn in the Chesapeake Bay and its tributaries (pages 529, paragraph B4.20.14.1 and figure B7.9 in reference (h) appear below.)

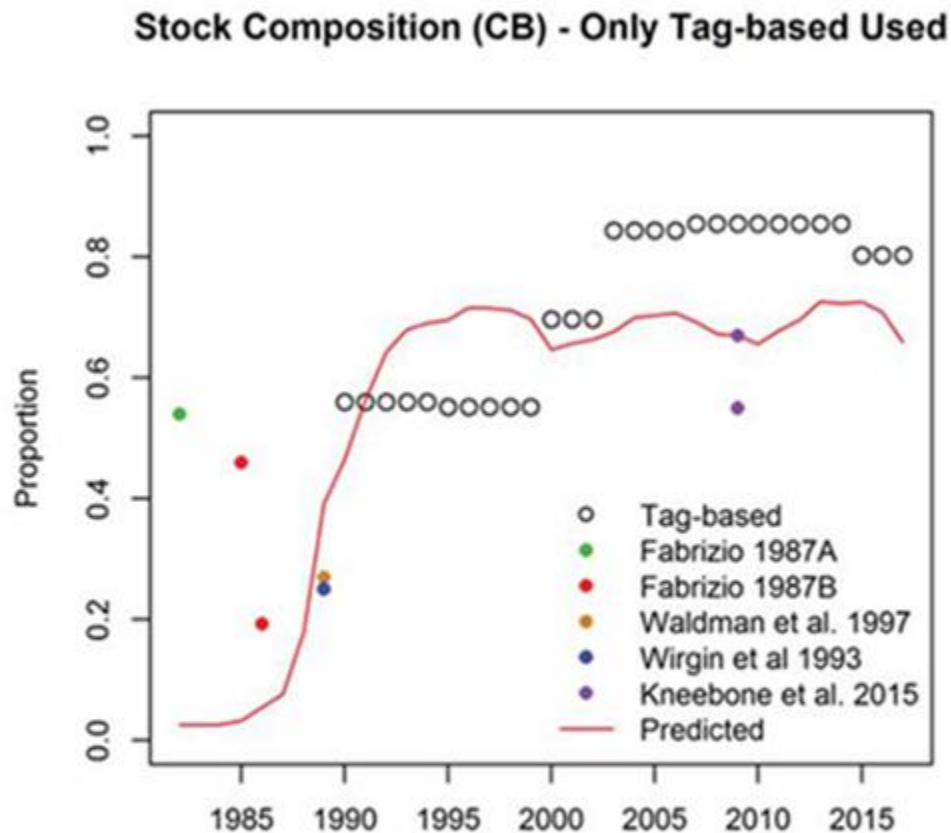


Figure B7.9. Observed versus predicted stock composition for the Chesapeake Bay stock. Literature values not used in the model fitting are indicated by the solid circles for comparison.

SJ0006 Testimony of Phil Zalesak (3/10/21)

Paragraph B4.20.14.1 Stock Composition Index reads as follows:

“The predicted stock composition for the Chesapeake Bay stock showed an increase in the Chesapeake Bay stock composition of the ocean catches (Figure B7.9). However, the predicted index showed the composition leveling off after 1995 at around 0.65, whereas the observed values for fish > 28 inches (711 mm) leveled off at higher proportions.”

Overharvesting of Atlantic menhaden by the Omega Protein Corporation reduction fishery has adversely impacted the recreational and commercial business base for the entire Atlantic Coast. The ASMFC documents this impact and how important striped bass are to the recreational fishing industry, and to the commercial fishing industry as well. See page 6 of reference (i). It reads as follows:

“A recent 2019 report from Southwick Associates indicates 97% of total economic contribution associated with striped bass fishing came from the recreational sector in 2016. According to the report, total revenues in the commercial sector (from Maine to North Carolina) were \$19.8 million that year, while total expenditures in the recreational sector amounted to \$6.3 billion. The contribution of the commercial sector to the region’s gross domestic product (GDP), when attempting to account for all industries involved in harvesting, processing, distributing, and retailing striped bass to consumers, was \$103.2 million and supported 2,664 regional jobs. In comparison, the contribution of the recreational sector to the region’s GDP was \$7.7 billion and supported 104,867 jobs.”

Summary

In summary, the current ASMFC fishery management plan for the Atlantic menhaden reduction fishery is creating an ecological and economic disaster for the entire Atlantic Coast, and the Atlantic Menhaden Management Board needs to take immediate action to rectify the situation.

ManhadenComment2020.pdf

Uploaded by: Langley, Phil

Position: FWA

FISH THE BAY CHARTERS, LLC
Captain Phil Langley
50126 Dove Cove Road – Dameron, Maryland 20628

March 08, 2020

REF: Senate Joint Resolution 6 – Atlantic States Marine Fisheries Commission – Atlantic Menhaden – Population Evaluation and Prohibition on Commercial Reduction Fishing

Dear Chairman Pinsky and Committee Members,

I am writing to convey my support of an evaluation of the population of Atlantic menhaden in the Chesapeake Bay. Over the years we have seen drastic declines in many of the Chesapeake Bay's iconic species, e.g. - striped bass, flounder, weakfish, bluefish, and shad. While resource sustainability is the primary focus of my support, I must also note the huge economic impact for recreational and commercial fisheries in our state, as relate to the Chesapeake Bay. As a charter captain, along with many other charter captains, commercial fishermen, and recreational businesses in Maryland, I depend upon a sustainable fishery.

At this time, we do not have specific science based data that identifies the volume of menhaden required to support a healthy Chesapeake Bay ecosystem. Ecological reference points were recently introduced for the coast-wide fishery of menhaden, however Chesapeake Bay ecological reference have not yet been developed. The Atlantic States Marine Fisheries Commission (ASMFC) has identified studies of menhaden within the Chesapeake Bay as a priority and is exploring sources to fund needed research. But these kinds of studies – to estimate abundance of a migratory species within a water body like the Chesapeake - are very expensive and cannot be done particularly quickly; often, multiple years of data are needed.

I strongly support the urgency to develop ecological reference points for the Chesapeake Bay. Without this data, we are lacking the science based approach to identify the volume of menhaden necessary to support the many species of marine life that are dependent upon the menhaden fishery. I believe we have the technology to support ecological reference points in the Bay. However, I also believe funding and priority are what we need to focus on to identify at what level the menhaden fishery should be managed.

Please feel free to contact me should you like to discuss in greater detail. I can be reached via email – captphillangley@gmail.com or phone – 301-904-0935.

Respectfully,

Captain Phil Langley
301-904-0935

20210310Testimony in Opposition to SJ6.pdf

Uploaded by: Wilson, Michael

Position: UNF

**Testimony in Opposition to SJ6
Atlantic States Marine Fisheries Commission – Atlantic Menhaden – Population
Evaluation and Prohibition on Commercial Reduction Fishing
March 10, 2021**

To: Hon. Paul Pinsky, Chair and members of the Senate Education, Health, and Environmental Affairs Committee

From: Michael Wilson, Executive Assistant to the President
United Food and Commercial Workers Union, Local 400

Chair Pinsky and members of the Education, Health, and Environmental Affairs Committee. I am here today on behalf of the members of the United Food and Commercial Workers Union (UFCW), Local 400. We represent over 10,000 members in Maryland working on the front lines of the ongoing pandemic in grocery, retail, food distribution, law enforcement, and health care.

In addition to our members in Maryland, we represent an additional 20,000 working people in the Mid-Atlantic region including over 10,000 in neighboring Virginia. Our members in Virginia include close to one hundred who support themselves, their families, and their communities on Virginia's Northern Neck by fishing for menhaden in the Chesapeake Bay and the coastal waters of the Atlantic.

UFCW Local 400 strongly opposes SJ 6 because it is unnecessary and calls on the Atlantic States Marine Fisheries Commission (ASMFC) to take action that would not be based on science or best practices in fisheries management.

The ASMFC already evaluates and studies the menhaden population on a regular basis. On their website (<http://www.asmfc.org/species/atlantic-menhaden>) you can view the most recent Atlantic Menhaden Single-Species and Ecological Reference Point Assessments and Peer Review Reports form February 2020, which show that “the stock is not overfished”. There is a stock assessment update already scheduled for 2022.

The ASMFC has for decades effectively managed this fishery while taking input from various stakeholders and following the best available science. There is no need for Maryland to request further studies beyond what these experts are already doing.

In addition, requesting that the ASMFC consider prohibiting commercial fishing of menhaden in the Bay shows that this resolution already has a conclusion in mind that is not based on science or best practices. Unfortunately, we have seen before that sport fishing and other interest groups want to ban menhaden fishing in the bay for their own benefit, regardless of the science or the best interest of the fishery.

This resolution is unnecessary, undermines the good work of the ASMFC experts, and attempts to force conclusions that are not based on science. **For these reasons we oppose SJ6 and ask for an unfavorable report.**

Thank you for the opportunity to comment.

SJ 6_DNR_LOI 3-10-2021 EHEA.pdf

Uploaded by: McKittrick, James

Position: INFO



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary

March 10, 2021

The Honorable Paul G. Pinsky
Chair, Education, Health and Environmental Affairs Committee
2 West Miller Senate Office Building
Annapolis, MD 21401

The Honorable Cheryl C. Kagan
Vice Chair, Education, Health and Environmental Affairs Committee
2 West Miller Senate Office Building
Annapolis, MD 21401

Re: Letter of Information – Senate Joint Resolution 6 – Atlantic States Marine Fisheries Commission – Atlantic Menhaden – Population Evaluation and Prohibition on Commercial Reduction Fishing

Dear Chair, Vice Chair and Committee Members,

The Maryland Department of Natural Resources provides the following information on Senate Joint Resolution 6. This resolution would request the Atlantic States Marine Fisheries Commission (ASMFC) to evaluate the population of Atlantic menhaden in the Chesapeake Bay and consider prohibiting the commercial reduction fishing of Atlantic menhaden, including the use of purse seines and spotter planes, in the Chesapeake Bay.

A request to evaluate the population of Atlantic menhaden in the Chesapeake Bay implies a request for ASMFC to launch a population survey of menhaden in the Bay. In the summer of 2020, the ASMFC technical committee charged with management of Atlantic menhaden reviewed a study to estimate menhaden biomass in Chesapeake Bay. The design included a range of scenarios at differing costs ranging from approximately \$230,000 to \$800,000. The department anticipates bearing a significant amount of these costs if ASMFC did require a population survey of menhaden in Chesapeake Bay.

With respect to the prohibition on commercial reduction fishing of Atlantic menhaden and the use of purse seines and spotter planes, this would effectively ask the Maryland Delegation to the ASMFC to put these ideas before the board. Maryland already prohibits the use of purse seines in State waters. Therefore, the Maryland delegation would be proposing to restrict the use of certain fishing methods in Virginia waters, directing how Virginia must manage its menhaden quota. While the intention is to prevent Omega Protein, an industrial fish processor, from operating in Chesapeake Bay, the prohibition would also affect small-scale purse seiners in the Virginia bait fishery.

At this time, the Atlantic menhaden stock has been assessed as a whole to be in healthy condition and there is no need to dramatically affect one state's management at this time. Additionally, Virginia has just transitioned management of Atlantic menhaden from the Virginia General Assembly to the Virginia Marine Resources Commission. The Virginia Marine Resources Commission has assembled a menhaden advisory panel composed of a broad variety

of stakeholders and is currently establishing how it will scientifically manage the species. It would be highly inappropriate for Maryland to intervene with Virginia's process at this time.

In sum, there is a very robust process for management of Atlantic menhaden underway both at the state and interstate levels and there is no need for additional actions to be taken by the Maryland General Assembly which would in turn force action from its delegation to the ASMFC.

Thank you for allowing the department to submit the above information on SJ 6 for the committee's careful consideration.

Respectfully submitted,

James W. McKitrick
Director, Legislative and Constituent Service