

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

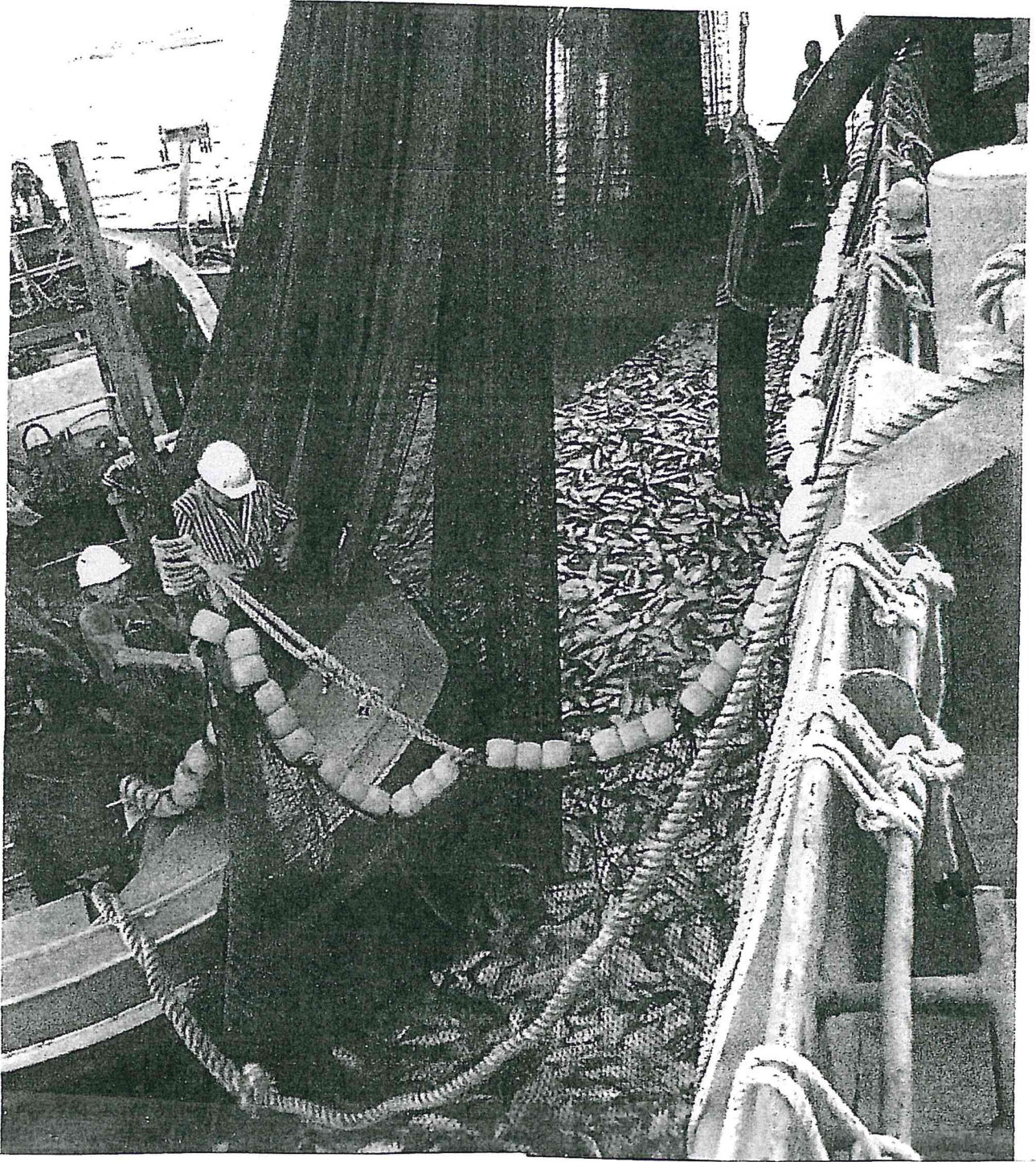
For details and opinions please see our website with an explanation of the benefits of the suggested closures at pages 13-14 and tables of the hundreds of thousands of Marylanders affected by the Delegates decisions at pages 22-23.

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...

3/9/2019

Menhaden in Virginia





The Center for Conservation Biology

William & Mary

20 August 2020

P.O. Box 8795
Williamsburg, VA
23187-8795

Phone
(757) 221-1645

Fax
(757) 221-1650

E-mail
info@ccbbirds.org

Dr. Bryan D. Watts
Director
(757) 221-2247

Dr. Mitchell A. Byrd
Director Emeritus
(757) 221-2236

www.ccbbirds.org

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>

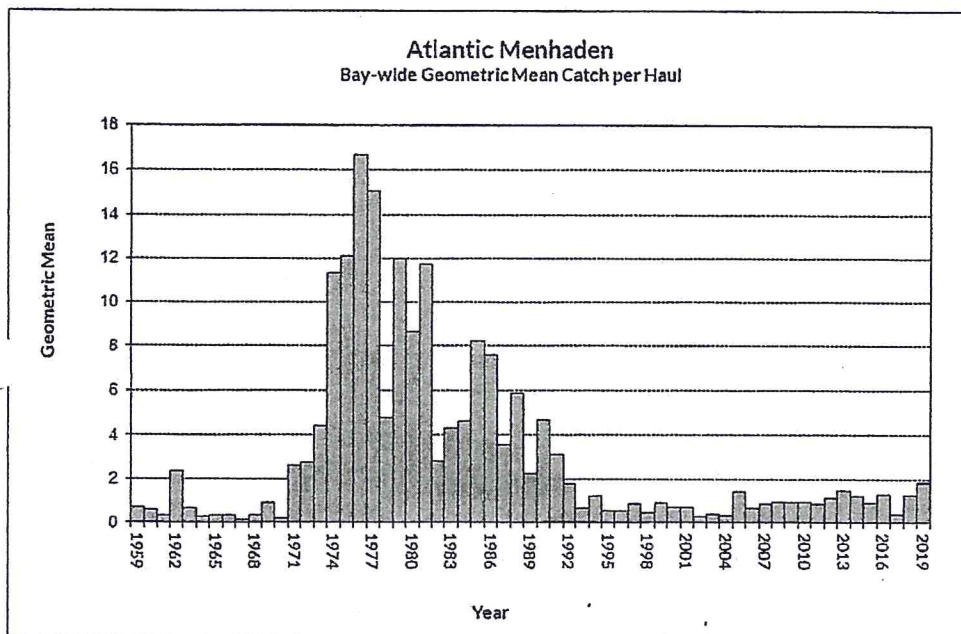
Sturgeon
<http://www.cbf.org/about-the-bay/more-than-just-the-bay/chesapeake-wildlife/sturgeon.html>

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

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(HTTP://WWW.
US/STAY-UP-
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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

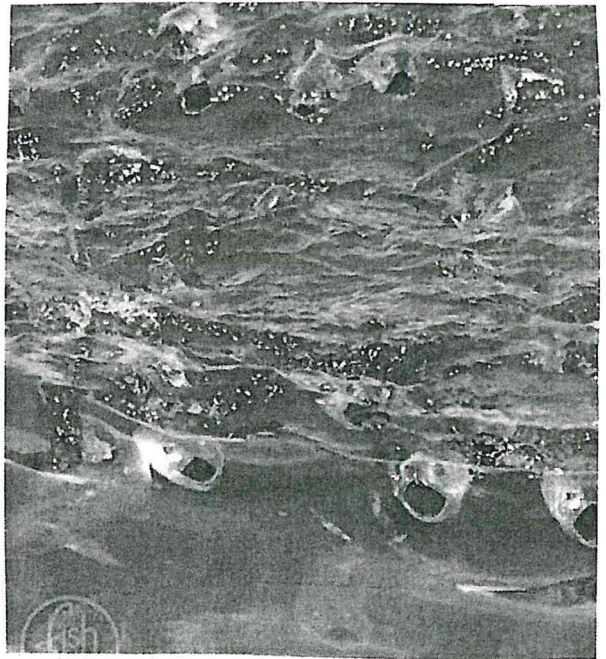
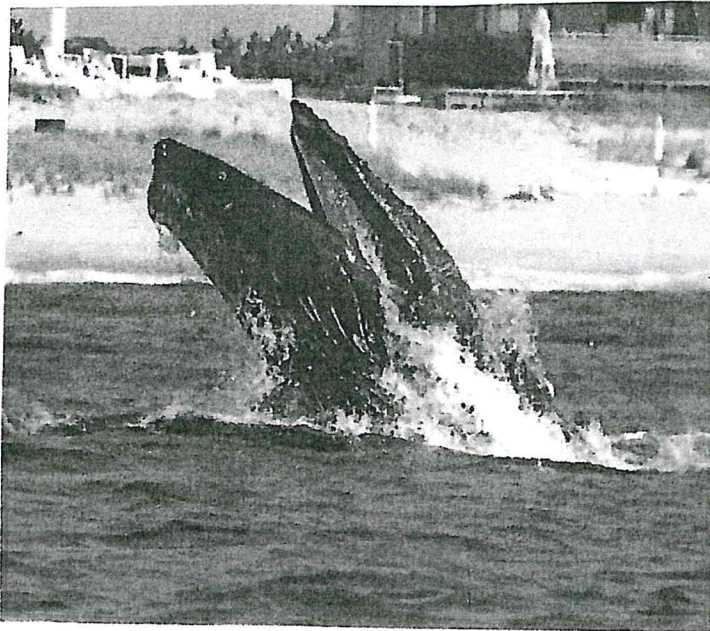
Date: Mon, March 8, 2021 7:15am

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