

SJ2_MDSierraClub_fav 8Mar23.pdf

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Position: FAV



P.O. Box 278
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Committee: Education, Energy, and the Environment

Testimony on: SJ2 “Atlantic States Marine Fisheries Commission – Atlantic Menhaden – Prohibition on Commercial Reduction Fishing”

Position: Support

Hearing Date: March 8, 2023

The Maryland Chapter of the Sierra Club urges a favorable report on SJ2. This resolution 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. Menhaden are filter feeders, eating plankton and rotifers and helping clear the water of nutrient pollution.¹ They are also a vital source of food to predators, including other fish, dolphins, whales, osprey, and bald eagles. While this is incredibly important to the ecosystem of the Bay, it is also important to the fishing industry. Many species of fish that we harvest from the Bay rely on the menhaden as a food source, including rockfish (striped bass), bluefish, and weakfish.

The Chesapeake Bay is an important nursery for the menhaden that helps sustain the population along the entire Atlantic coast. It is deeply concerning that the number of menhaden juveniles have decreased significantly since 1976 and has stayed low in the last 20 years.²

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

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Endangered Species Workgroup Coordinator
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Josh Tulkin
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¹ <https://www.vims.edu/research/units/projects/menhaden/research/modeling.php>

² 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.

SenatorBailey_FAV_SJ2.pdf

Uploaded by: Jack Bailey

Position: FAV

JACK BAILEY
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Budget & Taxation Committee



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ANNAPOLIS, MARYLAND 21401

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March 8, 2023

Senate Joint Resolution 2 – Atlantic States Marine Fisheries Commission – Atlantic Menhaden – Prohibition on Commercial Reduction Fishing

Dear Chairman Feldman and Members of the Committee,

I am writing to introduce Senate Joint Resolution 2 – Atlantic States Marine Fisheries Commission – Atlantic Menhaden – Prohibition on Commercial Reduction Fishing. This Joint Resolution recommends that, in order to maintain a sustainable Atlantic menhaden fishery, the Atlantic States Marine Fisheries Commission consider prohibiting the commercial reduction fishing of Atlantic menhaden, primarily 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 our neighboring 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 was sold to Cooke, Inc., in 2017 for \$500 million. Omega currently has eight fishing boats that work in the Virginia portion of the Chesapeake Bay. 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 \$6.8 billion dollars in economic impact and the 68,000 jobs that are associated with both commercial and recreational fishing of striped bass. The Chesapeake Bay is the nursery for the Atlantic Coast striped bass and should be recognized as such. 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 aware that Maryland does not allow this type of reduction fishing, nor the bycatch allowed with reduction fishing in Virginia. 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. The detrimental impact of the overharvesting of menhaden by this large corporation has a serious impact on our entire ecosystem and is a grave concern for all Marylanders.

I respectfully request a favorable report on Senate Joint Resolution 2. Thank you for your consideration.

Sincerely,

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

Senator Jack Bailey

sj2- menhaden- EEE 3-8-'23.pdf

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Position: FAV



Delaware-Maryland Synod
Evangelical Lutheran Church in America
God's work. Our hands.

Testimony Prepared for the
Education, Energy, and the Environment Committee
on
Senate Joint Resolution 2
March 8, 2023
Position: **Favorable**

Mr. Chairman and members of the Committee, thank you for the opportunity to speak for a flourishing creation. I am Lee Hudson, assistant to the bishop for public policy in the Delaware-Maryland Synod, Evangelical Lutheran Church in America. We are a faith community with three synods in every part of our State.

Our community expressed concern for a healthy environment to sustain life in “Caring for Creation” (ELCA, 1993). Among its perspectives is stewardship of natural resources and processes. Nature is simply not ours. It is a universal given, not traded goods.

Human activity has consequences; some threaten the abundance of life on earth. We must discern, to be wise; we must respect to flourish. Because communities of faith reverence a Maker, their traditions typically approach providence with gratitude and awe. Through created gifts—provided, not earned or owned—the holiness of life, time and human experience may be glimpsed. We are not merely all in this together; we are all *of this*, together.

Mechanized industrial fishing threatens the naturally occurring scales of habitat, species, and generation that have made the garden of earth plentifully good. Technology-aided trawling collapsed the super-abundant Grand Banks fishery decades ago. The Bay’s oyster stock never recovered after about 1905. Horseshoe crabs have been teetering on the brink for years because they are cheap to harvest and saleable at market. With them an entire cadre of long-migrant shorebirds are threatened. Any notion that we know what we’re doing, or that some benevolent market force will do the right thing for us is a fantasy. We live in a depleted natural world; we depleted it; the material historical record tells us this truth.

And so, also menhaden, a critical resource in the entire East Coast aquatic food chain. Mechanized fishing is reducing its stock below a population sufficient for sustainability, let alone for commercial demand. To avoid crashing another building-block of life on the planet we will have to stop doing what we are doing. To return to the Grand Banks fishery, a jury-rigged regime of quotas and regulation have made it possible to save some commercial fishing there. It never recovered a thriving stock. We are essentially fish-farming the open ocean to save commerce, but not natural wildlife.

Banning industrial equipment meant to take more fish faster is the only way to save multiple tiers of aquatic life along the East Coast, leave aside any idea of “profit.” We support **Senate Joint Resolution 2** to add Maryland’s to voices calling for the Atlantic Marine Fisheries Commission to restrict the menhaden harvest. It’s necessary, urgent, and calls for your favorable report.

Lee Hudson

2020-0820 Dr Bryan Watts .pdf

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Position: FAV



The Center for Conservation Biology

W i l l i a m & M a r y

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,

A handwritten signature in cursive script that reads "Bryan Watts".

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

Testimony_Maryland.pdf

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Position: FAV

FOOD SUPPLEMENTATION INCREASES REPRODUCTIVE PERFORMANCE OF OSPREYS
IN THE LOWER CHESAPEAKE BAY

MICHAEL H. ACADEMIA¹ AND BRYAN D. WATTS

Center for Conservation Biology, College of William & Mary, Williamsburg, VA 23185

ABSTRACT.--The Atlantic States Marine Fisheries Commission (ASMFC), the governing body responsible for managing fisheries on the U.S. East Coast, formally adopted the use of Ecological Reference Points (ERPs) for Atlantic menhaden, *Brevoortia tyrannus*. Scientists and stakeholders have long recognized the importance of menhaden and predators such as ospreys, *Pandion haliaetus*, that support the valuable ecotourism industry and hold cultural significance. Landings in the reduction fishery are at their lowest levels and menhaden is facing potential localized depletion. Mobjack Bay, located within the lower Chesapeake Bay, has been a focus of Osprey research since 1970 and represents a barometer for the relationship between Osprey breeding performance and menhaden availability. Since local levels of menhaden abundance were not available, we conducted a supplemental feeding experiment on osprey pairs during the 2021 breeding season. Our main objective was to determine if the delivery rate of menhaden had an influence on nest success and productivity. Nest success ($\chi^2 = 5.5$, $df = 1$, $P = 0.02$) and productivity ($\beta = 0.88$, $SE = 0.45$, $CI = 0.049, 1.825$, $P = 0.048$) were significantly higher within the treatment group. Reproductive rates within the control group were low and unsustainable suggesting that current menhaden availability is too low to support a demographically stable Osprey population.

Supplemental Information (Definitions & Conclusions):

- ASMFC defined localized depletion in Chesapeake Bay “as a reduction in menhaden population density below the level of abundance that is sufficient to maintain its basic ecological, economic, and social/cultural functions” (Annis et al. 2009).
- Ecosystem Based Fisheries Management evolves when ERPs are consistently monitored (Pikitch et. al. 2004). According to Amendment 3 of the Interstate Fishery Management Plan (FMP) for Atlantic menhaden (Southeast Data Assessment and Review [SEDAR] 2020, Anstead et al. 2021), ERPs are described as “a method to assess the status of menhaden not only with regard to the sustainability of human harvest, but also with the

regard to their interaction with predators and the status of other prey species.” The ERP working group is tasked with developing ERPs that are menhaden-specific that can account for the abundance of menhaden and their species role as a forage fish (Amendment 3 to the FMP, Anstead et al. 2021). Ospreys are a non-fish predator and can serve this role which can allow management to practice informed decisions to develop harvest targets, assess menhaden’s role as prey for upper trophic levels, and advance an ecosystem approach to fisheries management (EAFM) which considers multiple components of the ecosystem than just the target species (Patrick and Link 2015). The menhaden population within Mobjack Bay is not currently adequate to sustain the osprey breeding population.

LITERATURE CITED

- Annis, E., K. Friedland, J. and Uphoff. 2009. Ecosystem-based fisheries management for Chesapeake Bay: Menhaden background and issue briefs. Maryland Sea Grant UMSGTS-2009-08, pp. M/2-9.
- Anstead, K.A., K. Drew, D. Chagaris, A. M. Schueller, J. E. McNamee, A. Buchheister, G. Nessler, J. H. Uphoff Jr, M. J. Wilberg, A. Sharov, and M. J. Dean. 2021. The path to an ecosystem approach for forage fish management: A case study of Atlantic menhaden. *Frontiers in Marine Science*, 8, p.491.
- Patrick, W. S. and J. S. Link, J.S. 2015. Myths that continue to impede progress in ecosystem based fisheries management. *Fisheries*, 40(4), pp.155-160.
- Pikitch, E. K., C. Santora, E. A. Babcock, A. Bakun, R. Bonfil, D. O. Conover, P. Dayton, P. Doukakis, D. Fluharty, B. Heneman and E. D. Houde. 2004. Ecosystem based fishery management. *Science*, 305(5682), pp.346-347.
- Southeast Data Assessment and Review [SEDAR]. 2020. SEDAR 69 – Atlantic Menhaden Benchmark Stock Assessment Report. SEDAR, North Charleston SC.

NOAH Testimony on SJ 2.pdf

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Position: FAV

March 8, 2023

To the Maryland Senate Education, Energy and Environment Committee

Currently, the Virginia-based menhaden fishery is very likely overfishing the stock of Atlantic Menhaden in and around the Chesapeake Bay, which is preventing this important forage fish from making its way into the bay and its tributaries. As the base an important prey item for many important species in the bay, such as Striped Bass and Osprey, the disappearance of most of the menhaden from the bay is contributing to the disappearance of many species that rely on menhaden. Furthermore, Striped Bass have had 4 terrible reproductive years in a row and the lower levels of menhaden (i.e., their favorite, energy-rich and dense prey) in the bay are very likely a contributing factor. Instead of foraging on Menhaden, an absence of these fish means striped bass and predators need to rely more on blue crabs, white perch, and other prey items that are not as easy to consume in large quantities. This means striped bass need to likely spend more energy searching and acquiring prey, so they need even more prey to support them and their reproductive efforts, leading to reduced reproductive output. Therefore, a decline in menhaden is very problematic for many predators in the Chesapeake, including our state fish.

Virginia has been allotted about 75% of the entire Atlantic Coast's quota, which is a drastically disproportionate amount relative to its coastline. Additionally, much of their harvesting occurs as menhaden migrate into the bay, where they enter Maryland's waters. What this essentially means is 75% of the quota for the entire Atlantic Coast is being taken in the bay or just before they enter the bay. While this may not be causing overfishing for the entire Atlantic Coast based on quotas, because all of these fish are being taken from essentially just the bay, it is having locally drastic effects on the ecosystem.

Therefore, I am strongly in favor of Senate Resolution 02 and action by the ASMFC to ensure that enough menhaden persist in the bay to sustain a healthy ecosystem. I also strongly suggest either delaying the start of the menhaden commercial season until after a significant amount of menhaden have migrated north along the Virginia coast into the Chesapeake bay (which occurs in spring/early summer), by pushing these factory fishing efforts out of the Chesapeake Bay at least 3 miles offshore into federal waters instead of along the coastline in state waters (as the fish in the state waters are most likely to migrate along the coast into the bay), pushing the commercial menhaden fishery north of the entrance to the Chesapeake bay during their migration, and/or significantly reducing the quotas of menhaden in and around the mouth of the Chesapeake bay.

These actions are necessary to ensure the long-term health of the Chesapeake Bay ecosystem and the associated fisheries and ecotourism.

Sincerely,

Dr. Noah Bressman, PhD
Assistant Professor of Physiology
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SportsmensCaucus_SJ2 (3).pdf

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Position: FAV

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Legislative District 29
Calvert & St. Mary's Counties

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The Maryland Legislative Sportsmen's Caucus

The Sportsmen's Best Friend in Annapolis

March 8, 2023

SUPPORT FOR SJ 2 - Atlantic States Marine Fisheries Commission – Atlantic Menhaden – Prohibition on Commercial Reduction Fishing

Dear Chairman Feldman and Members of the EEE Committee,

Each year the number of menhaden surviving the Virginia netting gauntlet to successfully reach Maryland's portion of the Chesapeake Bay is declining. This scientifically documented fact is detrimental to both avian and marine species dependent upon the "Most Important Fish in the Sea". This must change; what is happening to the "Most Important Fish in the Sea" is intolerable. SJ 2 will send a bold, strong statement that Maryland wants ASFMC to take action as reflected therein.

On October 15, 2021, a fishery biology professor from Salisbury University (Dr. Noah Bressman, PhD) formally addressed the dire menhaden issue in a statement to Maryland's DNR Secretary, et al. For the record, the Maryland's Legislative Sportsmen's Caucus within the Maryland General Assembly fully supports the position taken by Dr. Bressman as evidence of the importance of passing SJ 2. Dr. Bressman stated:

"Currently, the Virginia-based menhaden fishery is [highly likely] overfishing the stock of Atlantic Menhaden in and around the Chesapeake Bay, which is preventing this important forage fish from making its way into the bay and its tributaries. As an important prey item for many important species in the bay, such as Striped Bass and Osprey, the disappearance of most of the menhaden from the bay is contributing to the disappearance of many species that rely on menhaden.

Virginia has been allotted about 75% of the entire Atlantic Coast's quota, which is a drastically disproportionate amount relative to its coastline. Additionally, much of their harvesting occurs as menhaden migrate into the bay, where they enter Maryland's waters. What this essentially means is 75% of the quota for the entire Atlantic Coast is being taken in the bay or just before they enter the bay. While this may not be causing overfishing for the entire Atlantic Coast based on quotas, because all of these fish are being taken from essentially just the bay, it is having locally drastic effects on the ecosystem.

Therefore, I strongly suggest either delaying the start of the menhaden commercial season until after a significant amount of menhaden have migrated north along the Virginia coast into the Chesapeake bay (which occurs in spring/early summer), by pushing these factory fishing efforts at least 3 miles offshore into federal waters instead of along the coastline in state waters (as the fish in the state waters are most likely to migrate along the coast into the bay), pushing the commercial menhaden fishery north of the entrance to the Chesapeake bay during their migration, and/or significantly reducing the quotas of menhaden in and around the mouth of the Chesapeake bay.

These actions are necessary to ensure the long-term health of the Chesapeake Bay ecosystem and the associated fisheries and ecotourism."

We appreciate your consideration and ask for a favorable report on SJ2.



Senator Jack Bailey, Senate Co-Chair



Senator Katie Fry-Hester, Senate Co-Chair

SJ0002_DNR_LOI_EEE_3-8-23.pdf

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Position: INFO



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
Allan Fisher, Deputy Secretary

March 8, 2023

BILL NUMBER: Senate Joint Resolution 2 – First Reader

SHORT TITLE: Atlantic States Marine Fisheries Commission – Atlantic Menhaden – Prohibition on Commercial Reduction Fishing

DEPARTMENT’S POSITION: LETTER OF INFORMATION

EXPLANATION OF DEPARTMENT’S POSITION:

The Maryland Department of Natural Resources provides the following information on Senate Joint Resolution 2.

Purse seining is already prohibited in Maryland waters. The practice is currently allowed in Virginia waters. Management of Atlantic menhaden in Virginia was transitioned from its legislature to the Virginia Marine Resource Commission in 2020, so Virginia is still in the process of engaging a broad array of stakeholders in its scientific management of these fish. Pursuing a Chesapeake Bay-specific population study of Atlantic menhaden at the ASMFC level may result in Maryland shouldering some of the responsibility of obtaining the necessary data. Menhaden are managed according to a coast-wide quota which is divided among the states from Maine to Florida. Conservative ecosystem reference points were just adopted for this fishery in the summer of 2020. The menhaden fishery is currently considered sustainable and is certified as such by the Marine Stewardship Council.

There is little precedent for the Commission to direct a state on how to manage its quota (e.g. dictating particular gears, seasons, operating practices). Initiating an action requiring specific management measures in another state through ASMFC may ultimately result in other states pursuing specific management measures in Maryland that are counter to our state’s management goals and objectives.

BACKGROUND INFORMATION:

The bill was also introduced as SJ 6 in 2022.

BILL EXPLANATION:

This bill is a resolution to urge the Atlantic States Marine Fisheries Commission (ASMFC) to evaluate the population of Atlantic menhaden in the Chesapeake Bay and end the practice of purse seining for Atlantic menhaden in the Chesapeake Bay. Purse seining is already prohibited in Maryland waters.

Contact: Emily Wilson, Director, Legislative and Constituent Services (Acting)
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