

**SJ 3 - CBF - FAV.pdf**

Uploaded by: Allison Colden

Position: FAV



# CHESAPEAKE BAY FOUNDATION

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Environmental Protection and Restoration  
Environmental Education

## Senate Joint Resolution 3

### Commercial Fishery Disaster Declaration Due to Invasive Species

Date: February 16, 2024

To: Education, Energy, & Environment Committee

Position: **Favorable**

From: Allison Colden  
MD Executive Director

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Chesapeake Bay Foundation (CBF) **SUPPORTS** SJ 3 which expresses the support of the Maryland General Assembly for a federal fisheries disaster declaration and encourages further efforts to obtain federal assistance to address impacts to commercial fisheries by invasive species.

Blue catfish were first introduced in the 1970s in Virginia to develop a recreational fishery. Since their introduction, these highly invasive fish have rapidly expanded their range into nearly every Chesapeake Bay tributary. This expansion is especially troublesome as blue catfish are voracious generalist predators that feed on native species such as menhaden, striped bass, eel, shad, river herring, and blue crabs. In areas where blue catfish have become established, they make up approximately 75% of the total fish weight of all fish inhabiting the river. The adverse effects of blue catfish on Maryland's seafood industry and the Chesapeake Bay ecosystem could be catastrophic.

Similar impacts have been noted for northern snakeheads, another invasive fish species first documented in a pond in Crofton in 2002. Since the discovery of snakeheads in Maryland, they have spread throughout tidal freshwater areas of the state (*see attachment*). A [study](#) of the fish community in Blackwater National Wildlife Refuge before and after establishment of snakeheads found that 17 out of 21 species declined in abundance between 30-97% after snakeheads became prevalent.

In March 2023, Gov. Moore filed a petition with the U.S. Department of Commerce for the declaration of a federal fisheries disaster due to the impact of these invasive species. This process, administered by the National Marine Fisheries Service, provides financial assistance to commercial fishermen who have been negatively impacted by the decline of a fishery. Unfortunately, Gov. Moore's petition was denied.

Current challenges to successfully managing these invasive fishes in Maryland include lack of market demand for wild-caught catfish, insufficient processing infrastructure, barriers to processing due to duplicative seafood inspection requirements and consumer buy-in. Each of these challenges could be improved by the increased federal investment supported and encouraged by SJ3.

### **CBF urges the Committee's FAVORABLE report on SJ 3.**

For more information, please contact Matt Stegman, Maryland Staff Attorney, at [mstegman@cbf.org](mailto:mstegman@cbf.org).

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403

# Northern Snakehead increasing abundance in Maryland waterways



Data below are from Maryland Department of Natural Resources boat electrofishing surveys.

<b>SUSQUEHANNA FLATS, NORTHEAST</b> (tidal freshwater) First caught in 2015 low: 5 snakeheads/hr (2015) high: 9.5 snakeheads/hr. (2017)*	<b>90%</b> ↑
<b>PATUXENT RIVER</b> (tidal freshwater) First caught in 2012 low: 10 snakeheads/hr (2012) high: 35 snakeheads/hr. (2018)*	<b>250%</b> ↑
<b>WICOMICO RIVER</b> (tidal freshwater) First caught in 2013 low: 7 snakeheads/hr (2013) high: 28 snakeheads/hr. (2015)*	<b>300%</b> ↑
<b>POTOMAC RIVER</b> (tidal freshwater) First caught in 2007 low: 8 snakeheads/hr (2007) high: 35 snakeheads/hr. (2018)*	<b>337.5%</b> ↑

\*Some years there was no survey of the areas above. The "high" ratios above represent the highest number in the overall survey timeline and not necessarily the most recent data. However, the overall trend in all of these areas is an upward population growth.



## What is Electrofishing?

Electroshocking (also called electrofishing) stuns fish temporarily for survey. When a fish is caught in the electric current, it can get stunned temporarily, allowing scientists to net it from the water. Since snakehead are invasive, we do not return them to the water after sampling.



Species found in major drainages identified from reports to department and USGS NonIndigenous Aquatic Species Database

**SJ3\_DNR\_FAV.docx.pdf**

Uploaded by: Dylan Behler

Position: FAV



Wes Moore, Governor  
Aruna Miller, Lt. Governor  
Josh Kurtz, Secretary  
David Goshorn, Deputy Secretary

2/15/2024

**BILL NUMBER: SJ 3 – First Reader**

**SHORT TITLE: Commercial Fishery Disaster Declaration Due to Invasive Species**

**DEPARTMENT'S POSITION: SUPPORT**

**EXPLANATION OF DEPARTMENT'S POSITION**

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The Department submitted a request to the United States Department of Commerce for a fishery resource disaster in 2022 for its Commercial Multi-Species Fishery.

Unfortunately, the Department of Commerce denied this request under the Fishery Resource Disasters Improvement Act. They found that the state's request did not meet the requirement that a fishery experienced a sudden, unexpected, large decrease in fish stock biomass that resulted in a significant loss of access to the fishery resource. Maryland made a case that multiple fisheries were at risk of significant impacts by the colonization of blue catfish. However, declines in these fisheries have been occurring over the last decade. In addition, blue catfish began affecting the fishery more than 5 years ago, which is outside the timeframe of an allowable cause. Further, the fisheries experienced a 24 percent commercial revenue loss as compared to their previous five-year average, which does not meet the 35 percent revenue loss threshold required by MSA Section 312(a) for a fishery to be eligible for a fishery resource disaster determination. Further, the opportunity for the loss of revenue in native Bay fisheries to be mitigated by the growing fishery for blue catfish added further complexity to the case. While the National Oceanic and Atmospheric Administration (NOAA) recognized the threat that invasive species pose to the Bay ecosystem and to the fisheries it supports, the law does not support a request for disaster relief due to invasives.

The Department currently has a program which provides grants of up to \$5,000 for invasive fish control. The grant program seeks to support effective ways to remove invasive fish, particularly blue catfish and Northern snakeheads, from Maryland waters and identify sustained beneficial uses of caught fish.

The Department is currently actively seeking out federal funding opportunities to assist with invasive species issues. Each year through its Aquatic Nuisance Species Management Plan, the Department receives federal funding that is used for a wide variety of invasive species programs.

**BACKGROUND INFORMATION**

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No similar bills have been proposed previously.

Contact: Dylan Behler, Director, Legislative and Constituent Services  
dylan.behler@maryland.gov ♦ 410-260-8113 (office) ♦ 443-924-0891 (cell)

**BILL EXPLANATION**

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The bill asks the Governor and Department to seek commercial fishery emergency federal disaster declaration due to invasive species as well as any additional federal funding to protect and rehabilitate the State's commercial fisheries due to invasive species.

# **SJ0003 Testimony.pdf**

Uploaded by: Gabrielle Ross

Position: FAV



# Assateague Coastal Trust, Inc.

P.O. Box 731, Berlin, MD 21811

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## **SJ0003 – Commercial Fishery Disaster Declaration Due to Invasive Species**

**Feb 15, 2024**

**Position: Favorable**

I am writing to express my **SUPPORT** for **SJ0003**, concerning the Commercial Fishery Disaster Declaration Due to Invasive Species. The invasive Blue Catfish (*Ictalurus furcatus*), initially introduced to Virginia for recreational fishing, has now proliferated throughout the Chesapeake Bay watershed to near catastrophic levels. This explosive population increase has resulted in a direct threat to the native species and a significant negative impact on the State's commercial fisheries.

**The observed high densities of invasive Blue Catfish (*Ictalurus furcatus*), flathead catfish (*Pylodictis olivaris*), and Northern Snakehead (*Channa argus*), have raised legitimate concerns about the potential detrimental effects on the State's commercial fishery species.** The population decline of native species not only undermines the ecological balance of the Bay but also poses a severe threat to the livelihoods of commercial watermen and the overall state economy.

Governor Wes Moore's 2023 request for a commercial fishery disaster declaration from the U.S. Department of Commerce was a crucial step, highlighting the urgency of the situation. The negative impact of these invasive species cannot be overlooked, with immediate action needed to address the damage caused. **It is crucial that the General Assembly supports Governor Wes Moore's request to the U.S. Department of Commerce for a commercial fishery disaster declaration.** Additionally, further efforts to seek federal assistance to protect and rehabilitate the State's commercial fisheries are essential due to the abundance of invasive species.

**The Assateague Coastal Trust (ACT) urges the Senate's SUPPORT for SJ0003 and consideration for the pressing need to address the ecological and economic consequences of invasive species in Maryland's waters.** Taking proactive measures to mitigate the spread and impact of invasive species will not only protect the State's natural resources but also sustain the economic well-being of those who rely on commercial fishing. As a representative of the organization, and Waterkeeper for the waters of the upper Pocomoke River and MD Coastal Bays, I strongly urge your support for this resolution.



**MISSION:** Working with diverse community partners, we protect and defend the health of Delmarva's waters through advocacy, education, science, and the enforcement of clean water laws.

**ACT is a 501(c)3 Non-profit Organization – Please consider donating by scanning here.**



It is within our collective responsibility to safeguard the State's fisheries and preserve the Chesapeake Bay watershed's delicate ecological balance. Thank you for your attention to this critical issue.

**Taylor Swanson,**

Assateague Coastkeeper, on behalf of Assateague Coastal Trust.

# SenatorBailey\_FAV\_SJ3.pdf

Uploaded by: Jack Bailey

Position: FAV

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

Budget & Taxation Committee



THE SENATE OF MARYLAND  
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February 16, 2024

**Senate Joint Resolution 3 – Commercial Fishery Disaster Declaration Due to Invasive Species**

Dear Chairman Feldman and Members of the Committee,

I am writing to introduce Senate Joint Resolution 3. This resolution is intended to provide additional support for the Governor's request for a federal commercial fishery disaster declaration; and encouraging further efforts to obtain federal assistance to protect and rehabilitate the State's commercial fisheries as a result of an abundance of invasive species.

This committee is aware of the threat that invasive species of fish, such as the blue catfish and snakehead, pose to our ecosystem and the ability of Maryland's commercial watermen to make a living on the water in our State. Last year, Governor Moore made a request to the Department of Commerce to declare a federal commercial fisheries disaster in Maryland due to the effects that these invasive species have had on Maryland's fisheries, especially now that we have pictures that the blue catfish are eating oysters and threaten the remarkable record spat set in Maryland.

While this request was declined, the State is continuing to work with the federal government on assistance to mitigate the problems associated with invasive species in our waters. Therefore, this resolution not only expresses our support for the original disaster declaration, but also encourages these additional efforts to get federal assistance and support the position that Governor Moore has taken.

I respectfully request a favorable report on Senate Joint Resolution 3. Thank you for your consideration.

Sincerely,

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

Senator Jack Bailey

# **Testimony Support SJ0003 Commercial Fishery Disast**

Uploaded by: Marisa Olszewski

Position: FAV



Kim Coble  
Executive Director

2024 Board of  
Directors

Lynn Heller, Chair  
The Hon. Nancy Kopp,  
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Kimberly Armstrong  
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Melanie Hartwig-Davis  
Charles Hernick  
The Hon. Steve Lafferty  
Patrick Miller  
Bonnie L. Norman  
Katherine (Kitty)  
Thomas

February 14, 2024

**SUPPORT: SJ0003 - Commercial Fishery Disaster Declaration Due to Invasive Species**

Chair Feldman and Members of the Committee:

**Maryland LCV supports SJ0003 - Commercial Fishery Disaster Declaration Due to Invasive Species**, and we thank Senator Bailey for his leadership on this issue.

Blue catfish, not native to Maryland waters, were introduced into the Potomac River Basin in Virginia in the 1970's. Since that time the population and spread of this fish has increased to concerning levels and it can now be found throughout the Chesapeake Bay.<sup>1</sup> The substantial increase in the population of blue catfish has had a negative effect on native fish stocks, especially crabs, striped bass, and menhaden, all of which blue catfish consume. These effects are compounded by pressure from other large, invasive fish, including flathead catfish and northern snakehead.

Additionally, a change in federal regulations in 2017 to move the regulation of all catfish from the Food and Drug Administration to the USDA has hampered commercial harvest of the blue catfish in Maryland.<sup>2</sup>

While the U.S. Secretary of Commerce was unable to issue the requested Disaster Declaration in December 2023, Maryland LCV supports the efforts of the Moore Administration and the spirit of this resolution to continue to work toward support for Maryland commercial fisheries and the delicate balance on the Chesapeake Bay ecosystem. Efforts should continue at the state level and with requests for federal support to address the negative impacts invasive fish like blue catfish and northern snakehead are causing to the abundance of native fish and shellfish in the Chesapeake Bay.

Maryland LCV supports this resolution and urges a favorable report.

<sup>1</sup> [https://dnr.maryland.gov/fisheries/Documents/Invasive\\_Catfish\\_%20Fact\\_Sheet.pdf](https://dnr.maryland.gov/fisheries/Documents/Invasive_Catfish_%20Fact_Sheet.pdf)

<sup>2</sup> <https://news.maryland.gov/dnr/2021/04/13/dnr-applauds-resolution-to-ease-restrictions-on-blue-catfish-industry/>

# **SJ0003\_ShoreRivers\_Favorable.pdf**

Uploaded by: Zack Kelleher

Position: FAV



## Testimony in SUPPORT of SJ0003 – Commercial Fishery Disaster Declaration Due to Invasive Species

February 16, 2024

Dear Chairman Feldman and Members of the Committee,

Thank you for this opportunity to submit testimony in **SUPPORT of SJ0003** on behalf of ShoreRivers. ShoreRivers is a river protection group on Maryland's Eastern Shore with more than 2,500 members. Our mission is to protect and restore our Eastern Shore waterways through science-based advocacy, restoration, and education.

**This bill supports the governor's request to the U.S. Secretary of Commerce for a federal commercial fishery disaster declaration. This would increase federal funding opportunities to support Maryland's commercial fisheries and the damages they have faced due from invasive fish species such as blue catfish and snakehead.** This funding will incentivize the catch and use of invasive species, which wreak ecological and economic devastation on our Chesapeake ecosystem. These invasive species threaten native fish populations—they are aggressive, adapt to a variety of water conditions, and can outcompete native fish for food and resources. They have proliferated throughout the Bay watershed due to these aggressive tendencies, and while recreational fishermen do catch some, it is really our commercial watermen who make the largest impact in reducing the population of these invasive species. These invasive species pose a major risk to commercial fisheries throughout the Bay, and particularly on the Eastern Shore where many of our commercial watermen operate.

Many critical Chesapeake species such as blue crabs, eels, striped bass, and yellow and white perch, are struggling due to the prevalence of these invasive species, which significantly reduces the success and viability of our commercial fisheries. The more these harmful fish species are removed from our local waterways, the healthier our aquatic ecosystems and local economies will be. **The declaration of a commercial fishery disaster will support Maryland's commitment to improving the health of Chesapeake Bay and supporting the local community that depends on clean water and thriving native ecosystems.** By supporting Governor Moore's request to the U.S. Secretary of Commerce for a commercial fishery disaster declaration, this bill presents a unified front between the legislature and executive branch, with broad bipartisan support, in order to support Maryland's commercial watermen and the health of the Chesapeake Bay.

For the reasons stated above, ShoreRivers urges the Committee to adopt a **FAVORABLE** report on SJ0003.

Sincerely,

Zack Kelleher,  
Sassafras Riverkeeper, on behalf of ShoreRivers

### ShoreRivers

Isabel Hardesty, Executive Director  
Annie Richards, Chester Riverkeeper | Matt Pluta, Choptank Riverkeeper  
Ben Ford, Miles Wye Riverkeeper | Zack Kelleher, Sassafras Riverkeeper