



Excerpted from an APV policy brief prepared by our Sustainable Agriculture Task Force. APV will be lobbying the General Assembly and McDonnell Administration on this important topic during the upcoming 2013 GA session.

Atlantic Menhaden Fishery: A Disaster in the Making

FACTS and POLICY ANALYSIS BRIEF

Premise: In December of 2012, the Atlantic States Marine Fisheries Commission (ASMFC) will set limits and benchmarks for commercial netting of Menhaden in the Chesapeake Bay in Delaware, Maryland, and possibly for Virginia. The ASMFC has made recommendations on this critical fishery for over 30 years with limited success in maintaining or protecting the Menhaden population. Some important points that demonstrate why this is an extremely important issue:

The Atlantic Menhaden is a small fish that lives in the Chesapeake Bay and in the Atlantic Coastal waters that is not directly edible for people, but serves as perhaps the most important food fish in the major ecosystems in which it lives. Menhaden are the primary food source of the Striped Bass, Weakfish (Sea Trout) Bluefish, and serves as a primary food source for species as diverse as Bluefin Tuna, several species of migratory whales, any number of coastal birds, and even seals and otters. It is also a major filtering fish of the Chesapeake Bay. In short, the Menhaden is one of the most (if not the most) important species of fish in the bay.

The recommendations of the ASMFC will typically govern the menhaden fishery in those states where menhaden are commercially viable.

Maryland, the spawning ground and nursery for 75 percent of East Coast striped bass, does not allow commercial menhaden fishing in its portion of the bay.

In the Commonwealth of Virginia the menhaden fishery is governed by the Virginia General Assembly and Attorney General, thus making it the only state where politics governs a fishery.

Menhaden are the only fish exclusively regulated by the Commonwealth. The Virginia Marine Resources Commission provides the data and voting recommendations to the General Assembly. The VMRC commissions are composed of appointees representing the various interests: commercial, recreational, and charter fishermen, marine scientists, conservationists, and developers.

In 2006, Virginia Attorney General Bob McDonnell, (the current governor) argued that the ASMFC had no legal standing to cap the harvest of menhaden in Virginia waters. In short, his written opinion as Attorney General stated that Virginia would not comply with ASMFC recommendations.

Attorney General McDonnell argued that the VMRC should add more commercial interests to the fisheries management committees to “balance” the interests. This would have resulted in a majority interest for the commercial menhaden fishery. Strong public and Non-Governmental Organization lobbying defeated this attempt.

Atlantic Menhaden fishing is exclusively commercial, with over 80% of the catch ending up in Reedville, Virginia at the Omega Protein Corporation processing center. The remaining catch is used as bait fish in Chesapeake Bay crab and fish industries, and in New England as bait for lobster traps.

Omega Protein processes menhaden into primarily animal foods and feed, fertilizers, and fish oil supplement pills.

McDonnell’s rulings have almost exclusively benefited Omega Protein and their clients and constituents. In 2006 alone Omega, the only player in the bay menhaden harvest, gave McDonnell a total of \$29,744 in campaign money and \$62,000 to key state lawmakers. Over the last six years, Omega political contributions have increased dramatically, now estimated at a total of over \$235,000.00 to all politicians and \$60,000.00 to now-Governor McDonnell alone.

The most recent menhaden stock assessment indicates the mortality rate is past the threshold of overfishing and has moved increasingly towards overfishing indicators over the last 8-10 years.

The ASMFC opted not to legally challenge The Commonwealth of Virginia and extended a five-year cap on commercial menhaden fishing in the Chesapeake Bay by not one year, but three.

Nearly 60 years of menhaden stock assessment data has clearly indicated that the numbers of overall stocks, of successful maturation of the spawn, and of breeding stock fish are all in significant decline. Yet most state and regional agencies have concluded that this data is “inconclusive.”

Omega Protein has lobbied for the dismissal of years of collected data. The company who has the most economic interest in maintaining or increasing the intense harvest of menhaden hired two stock assessment scientists who participated in all levels of the discussions and clearly used the interests of their company to guide their opinions.

The Omega Protein Corporation has spent millions of dollars in their efforts to control the data and the discussion, hiring lawyers, attending Stock Assessment Committee meetings, participated freely in all the discussions, and going so far as to have their legal counsel attend recent meetings.

According to the Coastal Conservation Association, Omega Protein has “worked hand-in-glove with NMFS for 30 years.”

Omega Protein argues that: menhaden stocks are not down, menhaden are not overfished, menhaden are not important to the water quality of the Chesapeake Bay, and a number of other claims that go against many of the findings of the scientific community.

NMFS now has concluded that stock assessment numbers of menhaden were inconclusive.

Policy Analysis: What this all means?

First, most of the scientific community has concluded that menhaden are either being overfished or are on the verge of being overfished in the Chesapeake Bay. Diverse interests from the Virginia Institute for Marine Science, Coastal Conservation Association, The Chesapeake Bay Foundation, Virginia Beach Sport Fishing, The Sierra Club and others have all accepted this research as valid and based on good science. It is a safe conclusion that a species as valuable and important to almost every aspect of the bay, as well as its long-term economic well-being, must be managed and sustained at all costs.

Second, it is very clear that the battle over the Atlantic Menhaden in the Virginia waters of the Chesapeake Bay is a political battle. Each of the sides are using science to make their cases, but the intense lobbying by a single industry in the face of the many diverse actors who seek to protect this resource defines the parameters of this struggle.

Omega Protein is spending significant sums of money to protect and increase their catch. They have their own set of scientific assessments. They do protect some and support the interests of some of the Commonwealth's citizens, most directly those who work directly for the company on the menhaden boats, spotter planes, processing plants, and in the management ranks of the company. They also have the political support of local and state politicians, some of whom have natural affinity for OP's right to produce and others who have accepted significant campaign contributions over many years.

On the other hand, the coalition of opposition to strong regulations on menhaden fishing is diverse and growing. Fishermen, both recreational and commercial, Chesapeake Bay advocates, and a vast array of conservation groups, as well as those who fear that long-term economic interests will be wiped out for short-term gains, all come together as a stronger representation of the interests of both local residents and the people of the Commonwealth of Virginia. The loss of the menhaden to unsustainable levels would be an environmental, economic, social, and public policy disaster.

Recommendations to APV members and progressives:

Write to your representatives in Richmond. General Assembly Delegates and Senators, the Lt. Governor and Attorney General, and any lobby groups representing environmental issues, Chesapeake Bay issues, commercial or recreational fishing, etc. can use all the public outcry they can muster. Most petitions have been sent, but the General Assembly will have the opportunity to accept the ASMFC guidelines that the State of Maryland will implement. We can make them aware of the importance of the issue. We can make them aware of the fact that this issue will impact everyone in the state. Our position should be crystal clear:

Increased or deregulated Atlantic Menhaden fishing in the Virginia waters of the Chesapeake Bay is bad policy. It should be opposed at all costs.

Contact:

Scott Price
Public Policy Director
Alliance for Progressive Values
Box 14664
Richmond Va, 23221
Sprice@APVonline.org