

SUPPORT SB791 and HB1448

Responsible Fisheries Management Act

Senator Lynwood Lewis/Delegate Plum

Reasons to support Senate Bill 791 and House Bill 1448

1. SB 791 and HB 1448 transfer authority for management of Atlantic menhaden from the General Assembly to the Virginia Marine Resource Commission (VMRC), where all other fisheries are managed.
2. Last fall, ASMFC – the body made up of professional fisheries managers and other representatives from east coast states that manages shared fishery resources – voted unanimously to find Virginia out of compliance with ASMFC’s menhaden management plan.
3. This finding resulted from the fact that Virginia failed in 2019 to implement the ASFMC’s 51,000 metric ton (mt) menhaden harvest cap for industrial-scale fishing in the Chesapeake Bay (Bay Cap) and exceeded the cap by nearly 15,000 mt (33 million pounds), or about 30 percent.
4. The only company in the industrial menhaden fishery – Omega Protein – was solely responsible for exceeding the Bay Cap and pushed Virginia out of compliance despite Governor Northam’s requests not to do so, and despite the company’s previous pledges not to do so. Omega was able to do this because the General Assembly retains management authority over menhaden and has not adopted the 51,000 mt Bay Cap.
5. **The bill is necessary to prevent a shutdown of the menhaden fishery.** The U.S. Secretary of Commerce has imposed a moratorium on menhaden fishing in Virginia waters that will go into effect on June 17, 2020 unless the Commonwealth comes into compliance with the Atlantic States Marine Fisheries Commission (ASMFC) Interstate Fishery Management Plan (management plan). Full compliance means the 2020 quota must be set at 36.1 metric tons to account for Omega’s overage in 2019.

Overview

Last fall, ASMFC voted unanimously to find Virginia out of compliance with the menhaden management plan due to Virginia’s failure to implement the harvest cap in the Chesapeake Bay. Because the General Assembly retains management authority over menhaden and has not adopted the 51,000 mt Bay Cap, Omega Protein was able to exceed the cap and push Virginia out of compliance. House Bill 1448 (Plum) and Senate Bill 791 (Lewis) transfer authority for management of Atlantic menhaden from the General Assembly to VMRC. Transferring authority for this fishery would enable the VMRC to prevent a moratorium on fishing for Atlantic menhaden by setting a cap for 2020 at 36.1 metric tons to account for Omega’s overage. A moratorium would have severe consequences not only for Omega’s workers, but also for fisheries that catch and rely on menhaden for bait, like the blue crab fishery.



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