

**TESTIMONY OF**

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**before the  
Subcommittee on Fisheries, Wildlife, and Oceans  
Committee on Natural Resources  
U.S. House of Representatives**

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**Mme. Chairwoman and Members of the Subcommittee,**

I am John V. O'Shea, Executive Director of the Atlantic States Marine Fisheries Commission. The Commission is comprised of the fifteen Atlantic coastal states, and carries out a diverse array of programs with its members to promote and protect Atlantic coastal fisheries through wise and effective conservation and management. Thank you for the invitation to appear before the Subcommittee today to review the status and management of Atlantic menhaden, a species that serves important economic and ecological roles along the Atlantic coast. As the Subcommittee considers H.R. 3840 and H.R. 3841, it can do so with confidence that Congress' leadership in passing the Atlantic Coastal Fisheries Cooperative Management Act in 1993 has given the states and federal agencies the ability to manage this fishery resource. According to the provisions of the Act, the Commission manages the fishery through its Atlantic Menhaden Fishery Management Plan.

**COMMITMENT TO SCIENCE**

The Commission's strong commitment to science is reflected in our efforts to better understand the Atlantic menhaden population and ecological dynamics. According to the latest stock assessment, the coastwide Atlantic menhaden population is not overfished, nor is overfishing occurring. In the case of menhaden, scientists use fecundity, as opposed to biomass, as a more direct measure of reproductive potential of the population. Using that measure, the population fecundity is estimated at 150 percent of its target. The estimate of the coastwide fishing mortality rate is 0.50. This is near the lowest in the time series dating back to 1955, about 10% below the target (Figure 1).

Despite the positive outlook for the coastwide population of menhaden, some have raised concerns about the Chesapeake Bay portion of the population. Recruitment estimates in the 2006 assessment were low, based mainly on a decline in juvenile abundance seen in the Virginia and Maryland seine surveys. However, evidence of a strong 2005 year class continues to be present in surveys and catch samples. Scientists tell us that menhaden spawn in the ocean and

depend on wind driven currents to transport larvae into the Chesapeake Bay and other estuarine areas. The role environmental and ocean conditions play in recruitment is not fully known. It is clear that the number of spawning fish is not the only factor affecting recruitment.

The potential for ‘localized depletion’ of menhaden in the Chesapeake Bay has received attention in recent years. Currently, we do not have data or methods to determine if localized depletion is occurring. In 2005, the Commission adopted recommendations of scientists to establish four research priority areas related to this issue.

- (1) Menhaden abundance in the Chesapeake Bay
- (2) Estimates of removal of menhaden by predators
- (3) Exchange of menhaden between bay and coastal systems
- (4) Recruitment to the Chesapeake Bay

Since 2005, a total of approximately \$5 million dollars has been spent on research in these areas and significant progress is being made.

Concurrent with this research, the Commission is supporting development of a multi-species model incorporating predator-prey and competitor interactions between Atlantic menhaden, striped bass, bluefish, and weakfish. This model is intended to help fisheries scientists and managers understand interspecies relationships for use in forecasting multiple species abundance trends. In fact, the Commission’s menhaden scientists used an output of this model in the 2006 assessment to account for the mortality of menhaden by predators.

Mme. Chairwoman, these examples demonstrate the Commission’s active involvement in seeking answers to complex scientific questions. The Commission maintains its strong commitment to science as the basis for its management actions.

## **ACTIVE MANAGEMENT AND OVERSIGHT**

Today, the Atlantic menhaden fishery is managed in state waters through a combination of gear restrictions and closed seasons. In response to public concern and as a precautionary measure, the Commission established a harvest cap on reduction landings from Chesapeake Bay in 2006. This cap will prevent expansion of the reduction harvest in the Bay for a five-year period while additional research is conducted.

The Commission actively tracks the health and status of the menhaden population through regular reports from its science advisors. The Fishery Management Plan contains a series of triggers that are monitored annually. Scientists review landings, a catch-at-age matrix, fishing effort, and fishery-independent abundance data to determine if the triggers are reached, initiating an assessment. The scientists also conduct a stock assessment of the population every three years. Every six years the stock assessment is independently peer reviewed to ensure that appropriate data and methods are being used. The next stock assessment is scheduled for completion by the end of 2009, with a peer review scheduled for early 2010.

As part of the menhaden management plan, the states Maine through Florida submit annual reports including landings, changes in regulations, and fishery-independent monitoring data. The Commission reviews these reports to ensure compliance with the management plan. In addition, the Commission annually reviews other aspects of the Fishery Management Plan for menhaden. The review, “2007 Review of the Fishery Management Plan and State Compliance Report for the 2006 Atlantic Menhaden (*Brevoortia tyrannus*) Fishery,” provides greater detail on the status of the stock, the fishery, monitoring, and current regulations. It is available in the Atlantic menhaden section of the Commission’s website ([www.asmf.org](http://www.asmf.org)).

Mme. Chairwoman, in your letter of invitation you asked me to address three topics.

Regarding menhaden’s ecological role as a prey species and filter feeder, we believe the current plan recognizes these important roles. The Commission and states have set conservative harvest levels. Moreover, the menhaden stock assessment considers removals by prey species.

Your second question dealt with whether recreational fish species have sufficient food. The Commission held a workshop in 2004 to examine this issue. Over twenty scientists with expertise in this area participated in the workshop. They concluded there was insufficient evidence to support the hypothesis that striped bass and other recreational fish suffer from lack of menhaden as prey. The Commission published the proceedings of this workshop in Special Report No. 83. It is available in the Atlantic menhaden section of the Commission’s website ([www.asmf.org](http://www.asmf.org)). Furthermore, according to the latest stock assessment of striped bass, the stock is healthy. The assessment concluded that the spawning stock biomass is 42 percent above the target, and the fishing mortality rate is at the target.

Your letter also asked me to comment on the need for the bills before us today. Frankly, we feel they are not needed.

## **LOOKING TOWARDS THE FUTURE**

What is needed is a continuing dialogue based on science to better understand this important and complex fishery management issue. The Commission supports open communication to ensure facts and science drive our decisions. To the extent that H.R. 3840 and H.R. 3841 have promoted dialogue, we feel this hearing is a positive step. The Commission will continue to balance the important ecological and economic benefits to coastal waters and communities in its decision making process.

The Commission continues to support research to better understand menhaden and its role in the ecosystem. However, fiscal resources are needed to help the states and federal government carry out this work. To the extent that members of Congress have helped support the Commission in this regard, we are grateful. We hope more will join this effort.

Proposals from the federal government to impose regulations on the states’ commercial fisheries raise concerns from the Commission’s perspective. Such actions impinge on the sovereign right of the states to manage the natural resources within their jurisdictions. The Commission asks for

your confidence in our process; a process that is based on transparency, science, and cooperation and has a history of success.

In conclusion, Mme. Chairwoman, the Commission and its member states remain firmly committed to maintaining a healthy Atlantic menhaden stock and to the diligent pursuit of the effective conservation and management of all valuable fishery resources of the Atlantic coast that they share. Congress created a strong fisheries management regime through the Atlantic Coastal Fisheries Cooperative Management Act. Now we need your continued trust to let us carry out the details of fisheries management.

Thank you, Mme. Chairwoman and all the members of your Subcommittee for your continued support and encouragement of the Atlantic States Marine Fisheries Commission and our states as we work with our federal partners towards our vision of healthy, self-sustaining populations for all Atlantic coast fish species, or successful restoration well in progress, by 2015.

I would be pleased to answer any questions.

Figure 1

