

March 13, 2006

Governor Tim Kaine  
Office of the Governor  
Patrick Henry Building, 3rd Floor  
1111 East Broad Street  
Richmond, Virginia 23219

Dear Governor Kaine:

Today, the Virginia General Assembly concluded its session without ratifying the Atlantic States Marine Fisheries Commission's (ASMFC) decision to place a limit on menhaden fishing in the Chesapeake Bay. Responsibility for addressing this issue now falls to you. On behalf of our three million members, I urge you to act to protect the Chesapeake Bay ecosystem and the substantial recreational and commercial fisheries that depend on healthy menhaden populations.

When the ASMFC was weighing options to protect menhaden last year, they received comments from over 26,000 people, nearly all of who were in support of limiting the industrial fishery. Greenpeace attended all twelve of the public hearings held up and down the Atlantic coast. The number and diversity of people that came to voice their support for limits on menhaden fishing was both inspiring and illustrative of the importance that this issue has for the entire Atlantic seaboard.

In Maine, several fishermen spoke of the similarities between what is happening with menhaden and the collapse of the herring fishery that they witnessed several years ago. One fisherman, seconded by many, spoke of the scarcity of bluefish and striped bass in their waters for years now. This is of note, as these are two predatory fish that depend upon a healthy menhaden stock for their forage base, and both their range and size has been decreasing over the years.

H. Bruce Franklin, a professor from New Jersey, submitted comment stating that in order "to restore and maintain self-sustaining populations of striped bass, bluefish, weakfish, and many other Atlantic coast predator fish, we must guarantee them an abundant source of the one food upon which they are most dependent: menhaden."

In Colonial Beach, Virginia, we heard from a local fisherman that "menhaden won't save the Bay, but I don't see how you can save the Bay without menhaden." Another stated that he and his colleagues see menhaden in the Rappahannock that are "hungry, snaky, with big heads and lesions." On behalf of 70 others, he asked that the menhaden be granted a "breathing spell" – a chance to reproduce. Even Toby Gascon, representing Omega Protein, stated that "the future of the Chesapeake Bay depends on" healthy menhaden stocks.

Bruno Vasta, an ASMFC Commissioner from Maryland, stated that the great schools of menhaden are gone, and went on to say that he now supports a moratorium on purse seines in the Bay. A waterman spoke up that while it's hard for a commercial fisherman to speak against another waterman, we need to do something about the menhaden, concluding that "sometimes, a change is for the better for all."

In Georgia, we heard from Spud Woodward, the Georgia DNR Assistant Director for Marine Fisheries, that an ecosystem based approach to fisheries management and research is the ideal.

New York fishermen spoke of history repeating itself, with the menhaden fishery bearing eerie similarities to other fisheries that they've seen collapse.

In Maryland, when the audience was polled as to who was there in support of a moratorium, the Commissioner couldn't count all the hands raised – in response to a request for a show of hands of those who don't support a moratorium, not one hand was raised.

In Massachusetts, Dick Russell, the author of the newly published Striper Wars, said he thought there should probably be a *coastwide* moratorium.

In Connecticut, State Representative Richard Roy, co-chairman of the Environment Committee, presented a petition on behalf of 103 Connecticut legislators, united in their call for limits on the menhaden reduction fishery. A Newington fisherman stated that he “hadn't seen a large school of adult menhaden since 1992.”

Greenpeace has been involved with small pelagic fishery management issues since the 1990s. We have worked with many fishermen up and down the Atlantic coast to protect local small-scale fishing operations from factory fishing giants and to ensure healthy herring and mackerel stocks for the entire marine ecosystem. The herring fishery, which bears a striking similarity to the menhaden fishery, had collapsed due to industrial fishing and was shut down in 1978.

By taking precautionary management measures now, it is our hope that together we can stop the local Virginia economy from suffering the fate of its northern neighbors. Unsustainable industrial fishing leads to unsustainable economies and employment, and ultimately, collapse of the very resource that the industry depends upon for its continued growth. On the other hand, healthy forage stocks are the foundation of healthy ecosystems capable of supporting stable fisheries.

Due to concerns about the large amount of fish required to make a reduction fishery profitable, the work of fishermen and Greenpeace led to a provision banning reduction fisheries in the herring fishery management plan. It's ironic that now, more than a decade later, we are having the same conversation we had during the herring debate but are now talking about menhaden. We are appalled that, up until August of last year, there was no limit to the amount of menhaden that industry could take out of the Atlantic or the Chesapeake Bay. It is no wonder that the menhaden populations are in trouble.

Given the important ecological roles played by menhaden as a food source for other fish species and as filter feeders, maintenance of abundant menhaden populations is vital to the health of Chesapeake Bay and Atlantic coastal ecosystems, but menhaden face an uncertain future under continued high levels of fishing pressure. Coastal menhaden stocks have experienced an overall decline for more than twenty years and are currently at near record lows.

Meanwhile, conflict of interest and political pressure often get in the way of what needs to be done. Representatives for Omega Protein, the Houston-based factory fishing giant that takes the bulk of the menhaden catch, sit at the table (due to a permanent proxy donated by Virginia State Senator John Chichester) and consistently oppose any and all regulatory measures. A similar conflict was resolved in mid-July when W. Pete Jensen was forced to resign from his contract job with the Maryland DNR and his proxy was revoked when Jensen's ties to Omega were revealed.

However, Omega representatives continue to insert themselves into what should be a transparent process. Similarly, Omega often drops threats of legal action, which has had a chilling effect on management discussions that should be based on science, not intimidation. Given the clear indications that menhaden stocks are in trouble, this undue influence on the part of the reduction industry is seen by many as the source of Virginia's failure to ratify the cap.

Governor Kaine, I was heartened by your comments while you were on the campaign trail last October, when you said, “if the menhaden are harvested too vigorously, then it reduces a source of food that can be helpful to a healthy rockfish population, for example. It's a question of balance.”

Greenpeace maintains that the Bay cap, which passed by a 12-2 vote last August, does not go far enough to strike this necessary balance to protect coastal ecosystems or fishing communities. However, by the Commission's recognition that limits on the fishery are overdue, it is a step in the right direction. Now that the Virginia General Assembly has bowed to pressure from Omega Protein and refused to ratify the cap, the future of the Chesapeake Bay is in your hands.

Omega Protein would have us believe that this issue is jobs versus environment. In reality, without a healthy menhaden stock, there will be no jobs. Either we manage menhaden now in a way to ensure healthy livelihoods for fishermen and coastal communities or we risk a future of continuing decline.

Greenpeace urges you to do the right thing by your coastal environment and communities and use your authority of proclamation to ratify the ASMFC cap and take this long overdue step towards responsible fishery management.

Sincerely,

A handwritten signature in cursive script that reads "John W. Passacantando".

John Passacantando  
Executive Director  
Greenpeace