



MEMORANDUM OF SUPPORT

A.2571 (Englebright) / S.2317 (Kaminsky)

AN ACT to amend the environmental conservation law, in relation to the taking of menhaden; and providing for the repeal of such provisions upon expiration thereof

Audubon New York supports **A.2571 (Englebright) / S.2317 (Kaminsky)**, which would prohibit the harvesting of Atlantic Menhaden with purse seines and revoke the provisions of law establishing licensure for such takings.

Atlantic menhaden is a small species of forage fish that has been the subject of extensive recovery efforts after chronic overfishing decimated their numbers in the 1960s. These small fish are critical to the health of estuary and marine ecosystems along the Atlantic seaboard and are often referred to as 'the most important fish in the sea'.ⁱ As their numbers have rebounded, so has the wildlife that relies on them, including seabirds^{ii,iii}, marine mammals, and other fish.

The impacts of abundant menhaden go far beyond a healthy ecosystem. Commercial and recreational fisheries depend on menhaden both for bait and as forage fish that support populations of more valuable commercial or game fish. Along the Atlantic coast, commercial fisheries bring in over \$46 billion and support 340,000 jobs, while 14 million recreational anglers expend \$16 billion annually and support 167,086 jobs. Additionally, the ecotourism industry is robust throughout the Atlantic coast with almost 29 million wildlife watchers contributing \$17 billion in expenditures annually.

For these reasons, the continued recovery of menhaden populations is critical. However, in 2017 the Atlantic States Marine Fisheries Commission increased the total allowable catch for New York State from 26,000 to 1,477,000 metric tons.^{iv} Due to the large increase in New York State's allocation, Audubon is concerned that large out-of-state commercial fishing operations may begin to target New York State's coastal waters and use purse seines to take menhaden. The use of purse seines can lead to localized depletion and displacement of other wildlife that rely on menhaden for food, causing disruptions throughout our coastal and pelagic ecosystems.

Until the Atlantic menhaden is sufficiently recovered and ecological reference points are developed for the population, the DEC should not grant permits for the use of purse seines and instead should promote the use of more sustainable fishing methods. Purse seines make taking large catches easy and efficient, and may aid the taking of unsafe numbers of Menhaden.

For these reasons, Audubon New York supports **A.2571 (Englebright) / S.2317 (Kaminsky)** and urges the legislature to pass this bill.

Audubon New York works with a network of 65,000 members, hundreds of volunteers, 27 local Audubon Chapters, and dozens of other partners to achieve its mission of protecting birds and their habitats through science, advocacy, education, and on-the-ground conservation programs. If you have any questions or would like more information, please contact Erin McGrath, Policy Manager at Audubon New York at 518-869-9731 or emcgrath@audubon.org.

NYS Birds Under Threat



Osprey
Pandion haliaetus

Description: Along coastlines, lakes, and rivers almost worldwide, the Osprey is often seen flying over the water, hovering, and then plunging feet-first to catch fish in its talons. After a successful strike, the bird rises heavily from the water and flies away, carrying the fish head-forward with its feet. In many regions, landowners put up poles near the water to attract nesting Ospreys.

Conservation Status: Was seriously endangered by effects of pesticides in mid-20th century; since DDT and related pesticides were banned in 1972, Ospreys have made a good comeback in many parts of North America.

Habitat: Found near water, either fresh or salt, where large numbers of fish are present. May be most common around major coastal estuaries and salt marshes, but also regular around large lakes, reservoirs, rivers.



Bald Eagle
Haliaeetus leucocephalus

Description: The emblem bird of the United States, majestic in its appearance. It is not always so majestic in habits: it often feeds on carrion, including dead fish washed up on shore, and it steals food from Ospreys and other smaller birds. At other times, however, it is a powerful predator. Big concentrations can be found wintering along rivers or reservoirs in some areas.

Conservation Status: Numbers declined seriously during the first two-thirds of the 20th century. Shooting was one major cause; even after the eagles were given full legal protection, they continued to decline, probably because of the effects of DDT and other persistent pesticides. Following the banning of DDT, numbers have been increasing gradually since the 1970s, with spectacular recoveries in some states.

Habitat: Coasts, rivers, large lakes; in migration, also mountains, open country. Typically close to water, also locally in open dry country. Occurs in a variety of waterside settings where prey is abundant.



Northern Gannet
Morus bassanus

Description: One of the largest seabirds of the North Atlantic, the gannet is spectacular as it plunges into the sea in pursuit of fish. Nesting colonies are on northern sea cliffs; and in winter off southern coastlines, the gleaming white adults may be outnumbered by brown and patchy immatures; it takes four years for gannets to attain full adult plumage.

Conservation Status: Population declined drastically during 19th century owing to taking of eggs and slaughter of adults; this occurred over much of range. With protection, populations began to recover early in 20th century, with increase apparently continuing to present day.

Habitat: Oceanic; often well offshore. Breeds colonially on sea cliffs. Forages at sea, from fairly close inshore to out of sight of land, but mostly over waters of continental shelf. In cold-water areas in summer, but winters to edge of tropics. Nests on cliffs and ledges of islands, sometimes on steep protected cliffs of mainland.

ⁱ Franklin, H. Bruce. 2006. "Net Losses: Declaring War on the Menhaden – Mother Jones." Mother Jones. 2006. <https://www.motherjones.com/environment/2006/03/net-losses-declaring-war-menhaden/>.

ⁱⁱ Pikitch, E., P.D. Boersma, I.L. Boyd, D.O. Conover, P. Cury, T. Essington, S.S. Heppell, et al. 2012. "Little Fish, Big Impact: Managing a Crucial Link in Ocean Food Webs." Lenfest Forage Fish Task Force.

ⁱⁱⁱ Cury, Philippe M, Ian L Boyd, Sylvain Bonhommeau, Tycho Anker-Nilssen, Robert J M Crawford, Robert W Furness, James A Mills, et al. 2011. "Global Seabird Response to Forage Fish Depletion—One-Third for the Birds." Science 334 (6063): 1703 LP-1706. <http://science.sciencemag.org/content/334/6063/1703.abstract>.

^{iv} NOAA Fisheries. 2018. "Update on the 2017 Atlantic Menhaden Fishing Season Sustainable Fisheries Branch NMFS Beaufort Laboratory Beaufort, NC GSMFC Spring Meeting Panama City, FL." Panama City, FL. 2018. https://www.gsmfc.org/ann_mtgs/2018-03/Menhaden/6 Update on Atlantic Menhaden Fishery 2017.pdf.