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## SENATE BILL NO. 1388

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules

on February 3, 2023)

(Patron Prior to Substitute—Senator Lewis)

A BILL to direct the Virginia Institute of Marine Science to study the ecology, fishery impacts, and economic importance of menhaden populations in the waters of the Commonwealth; report.

**Be it enacted by the General Assembly of Virginia:**

1. § 1. That the Virginia Institute of Marine Science (VIMS) shall study the ecology, fishery impacts, and economic importance of menhaden populations in the waters of the Commonwealth. Areas of focus shall include (i) seasonal and spatial estimates of menhaden biomass in the Chesapeake Bay, contingent upon access to appropriate data from the Southeast Fisheries Science National Center; (ii) an estimate of total annual forage consumption profiles for piscivorous fishes in the marine and estuarine waters of the Chesapeake Bay; (iii) an analysis of the catch-at-age data for the Chesapeake Bay for the last 10 years, contingent upon access to appropriate data; (iv) the evaluation of menhaden habitat availability in the Chesapeake Bay; (v) the evaluation of the market potential of existing sectors and any recommended revisions to licensing programs to grow and support Virginia-based businesses; (vi) the design and review of a program to track menhaden movement in the Chesapeake Bay; (vii) the development of a statistically rigorous fishery observer program for the Commonwealth's menhaden fisheries that can document data on menhaden harvest, fish length, catch-at-age, bycatch, and frequency of net spills, along with interactions with marine mammals, sea turtles, and seabirds; (viii) development of a research program that can enhance the state of knowledge of the Atlantic menhaden resource in the Chesapeake Bay; and (ix) a review of the final report of the Atlantic States Marine Fisheries Commission titled "Evaluating Alternative Designs for a Combined Aerial-hydroacoustic Survey of Atlantic Menhaden Biomass in Chesapeake Bay" and recommendations on its utility for the Chesapeake Bay and an estimate of necessary funding requirements to implement such an effort.

In conducting its study, VIMS shall collaborate with the Menhaden Management Advisory Committee established in § 28.2-208.2 of the Code of Virginia. Technical assistance shall be provided to VIMS by the Virginia Marine Resources Commission. All agencies of the Commonwealth shall provide assistance to VIMS for this study, upon request. VIMS shall, no later than December 1, 2024, provide a report on its findings to the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources and the House Committee on Agriculture, Chesapeake and Natural Resources.