



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
1315 East-West Highway  
Silver Spring, MD 20910  
THE DIRECTOR

DEC 17 2019

Mr. Robert Beal  
Atlantic States Marine Fisheries Commission  
1050 N. Highland St.  
Suite 200-A  
Arlington, VA 22201

Dear Mr. Beal:

I wanted to keep you informed on the status of the Commonwealth of Virginia's non-compliance with the Atlantic menhaden Interstate Fishery Management Plan (ISFMP). In accordance with the delegation of authority under the provisions of the Atlantic Coastal Fisheries Cooperative Management Act (Atlantic Coastal Act), 16 U.S.C. § 5101 et seq., from the Secretary, NOAA's Fisheries Service completed its independent review of the Commission's determination and concurs with the Commission that the Commonwealth of Virginia is not in compliance with the ISFMP.

Specifically, Virginia has not implemented a Chesapeake Bay Reduction Fishery cap of 51,000 mt. as per the ISFMP. NOAA Fisheries also finds that this management measure is necessary for the conservation of the menhaden resource. The best available information shows that menhaden in the Chesapeake Bay are an important component of the overall health of the stock, and further that their role as forage for predator species in the Chesapeake Bay is critical to the marine environment.

I have notified the Commonwealth of Virginia of the finding by letter (enclosed). A moratorium on fishing for Atlantic menhaden in Virginia state waters and possession of and landing of Atlantic menhaden if harvested in Virginia state waters will be imposed effective June 17, 2020.

We chose the June implementation date after consulting with relevant staff from Virginia, and reviewing the facts of this situation. Based upon our analysis, we found that a June 2020 implementation date is appropriate for two principal reasons. First, a June closure date will give Virginia the time necessary for its legislature to bring these regulations back into compliance. Second, although the involved measure is necessary for conservation, the immediacy of that need is less critical given the 2020 fishing season will not begin until spring 2020 and the 51,000 mt Bay cap has never been reached, or even come close to being reached by mid-June.

Virginia has not protested this finding of non-compliance. In our communication with the Commonwealth, they have indicated that they intend to work with the legislature to implement the required management measure as soon as practicable. Virginia has been very cooperative and forthcoming with their intent during the determination period. I encourage the Commission to continue to monitor Virginia's process to implement the Chesapeake Bay Reduction Fishery

THE ASSISTANT ADMINISTRATOR  
FOR FISHERIES



cap. If the Commonwealth of Virginia does enact such a measure, and the Commission determines that the measure is compliant with the ISFMP, under the Atlantic Coastal Act, the Commission would immediately notify the Secretary that the Commonwealth of Virginia is in compliance with the ISFMP. If NOAA Fisheries Service concurs, the moratorium in the state waters of Virginia will be rescinded.

Please contact Alan Risenhoover, Director of the Office of Sustainable Fisheries, if you need additional information. He can be reached at 301-427-8500, 1315 East-West Highway, Silver Spring, Maryland 20910, or [alan.risenhoover@noaa.gov](mailto:alan.risenhoover@noaa.gov).

Sincerely,

A handwritten signature in black ink that reads "Chris Oliver". The signature is written in a cursive, flowing style.

Chris Oliver  
Assistant Administrator for Fisheries

Enclosure