

MAY 06 2019



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

Mr. Mike Avery
Virginia Saltwater Sportfishing Association
P.O. Box 28898
Henrico, VA 23228

Dear Mr. Avery:

Thank you for your letter requesting that NOAA's National Marine Fisheries Service (NMFS) take management action to reduce the Chesapeake Bay cap on the Atlantic menhaden reduction fishery in Virginia from 87,216 mt to 51,000 mt or to shut down all Reduction Industry harvest of Atlantic menhaden until Virginia comes into compliance.

As you are aware, Atlantic menhaden are managed by the Atlantic States Marine Fisheries Commission, which is a non-federal, inter state compact body. The Commission's Atlantic Menhaden Management Board oversees scientific analysis, including stock assessments, of Atlantic menhaden and often recommends regulatory action(s) based upon their scientific conclusions. At present, the Board is not recommending federal regulatory action in this fishery. Specifically, the Board's Technical Committee has found that Atlantic menhaden are not overfished and that overfishing is not occurring. The Commission, however, continues to work on two benchmark assessments: a single-species assessment as well as an ecosystem-based assessment, which aims to develop ecological reference points specific to Atlantic menhaden's role in the ecosystem as a forage base for striped bass in particular. When the new assessments are complete, the current Commission recommendations may change.

Your letter states that Virginia has been noncompliant with the Commission's guidance on Atlantic menhaden and requests that we take action to force Virginia to implement measures to cap the Chesapeake Bay reduction fishery. Under the Atlantic Coastal Fisheries Cooperative Management Act, the Secretary of Commerce cannot take action until the Commission first finds Virginia out of compliance and refers the matter to the federal government. According to that Act, such a finding requires a conclusion that Virginia is not implementing required Atlantic menhaden management measures, as well as a finding that failure to implement the measures jeopardizes the conservation of the fishery. Until both findings are made, the Commission cannot make a non-compliance referral to the federal government.



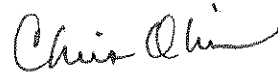
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THE ASSISTANT ADMINISTRATOR
FOR FISHERIES



We look forward to working with you, the Commonwealth of Virginia, and the Commission on this important resource issue and to identify options that are consistent with the interstate management of Atlantic menhaden. If you have any further questions, please contact Alan Risenhoover, Director of the Office of Sustainable Fisheries, (301) 427-8500.

Sincerely,

A handwritten signature in cursive script that reads "Chris Oliver".

Chris Oliver
Assistant Administrator
for Fisheries