



## Mid-Atlantic Fishery Management Council

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Michael P. Luisi, Chairman | G. Warren Elliott, Vice Chairman  
Christopher M. Moore, Ph.D., Executive Director

December 5, 2019

Mr. Chris Oliver  
Assistant Administrator for Fisheries  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20610

Dear Mr. Oliver:

Please accept these comments from the Mid-Atlantic Fishery Management Council (Council) regarding the Atlantic States Marine Fisheries Commission's (ASMFC) determination that the Commonwealth of Virginia is out of compliance with Amendment 3 to the Atlantic Menhaden Interstate Fishery Management Plan (FMP).

The Council concurs with the ASMFC's unanimous determination that the Commonwealth of Virginia is out of compliance with the Atlantic Menhaden Interstate FMP for failure to effectively implement and enforce Section 4.3.7 *Chesapeake Bay Reduction Fishery Cap* of Amendment 3. Atlantic menhaden serve an important role in the marine ecosystem as they provide forage for a variety of species, including larger fish, birds, and marine mammals. The Council's Ecosystem Approach to Fisheries Management (EAFM) Guidance Document states that "it shall be the policy of the Council to support the maintenance of an adequate forage base in the Mid-Atlantic to ensure ecosystem productivity, structure and function and to support sustainable fishing communities." While Atlantic menhaden is not a Council-managed species, the Council fully supports the ASMFC's efforts to ensure an adequate forage base through effective implementation and enforcement of the Atlantic menhaden FMP.

Successful management of Atlantic menhaden requires compliance with the ASMFC's management plan by all states. The Commonwealth of Virginia's noncompliance threatens the integrity of the interstate management process and may set a precedent for future noncompliant actions by ASMFC member states. The Council encourages NOAA Fisheries and the Secretary of Commerce to uphold the ASMFC's finding of non-compliance.

Thank you for the opportunity to submit comments on this matter. Please contact me or Chris Moore if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Luisi", is written over a light blue horizontal line.

Michael Luisi  
Chairman, Mid-Atlantic Fishery Management Council

cc: Council Members and Staff  
Council Executive Directors  
Sam Rauch and Alan Risenhoover, NMFS HQ  
Robert Beal, ASMFC Executive Director