



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, MD 20910

#3a

Dr. Thomas A. Nies  
Executive Director  
New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950

Dear Dr. Nies:

We received a letter on November 15, 2019, from the Atlantic States Marine Fisheries Commission which officially notified the Secretary of Commerce that the Commonwealth of Virginia is out of compliance with Amendment 3 to the Atlantic Menhaden Interstate Fishery Management Plan. The Commission's letter is enclosed. Under the provisions of the Atlantic Coastal Fisheries Cooperative Management Act, 16 U.S.C. §§ 5101 *et seq.*, the Commission's determination of non-compliance could lead to a federally imposed moratorium on fishing for Atlantic menhaden in Virginia waters.

The Act requires the Secretary to make findings on (1) whether Virginia has failed to carry out its responsibilities under a Commission Plan; and (2), if so determined, whether the measures in the Plan that Virginia has failed to implement and enforce are necessary for the conservation of the fishery in question. The Secretary's finding must be made no later than 30 days after receiving a notification of noncompliance from the Commission. The Act further requires that the Secretary, in making a finding on non-compliance, solicit and consider the comments from Virginia, the Commission, and the applicable Councils. The responsibility for carrying out the provisions of the Act has been delegated from the Secretary to NOAA's National Marine Fisheries Service (NOAA Fisheries Service).

This letter solicits comments from the New England Fishery Management Council so that NOAA Fisheries Service may further consider those comments as it proceeds in this matter. Because of the tight statutory timeline, we request you submit any comments on this matter to Alan Risenhoover, Director, Sustainable Fisheries, 1315 East West Highway, Silver Spring, MD 20910 [alan.risenhoover@noaa.gov], as soon as possible, but no later than December 6, 2019. Our intention is to complete our evaluation and make necessary findings by December 17, 2019.

Sincerely,

A handwritten signature in black ink that reads "Chris Oliver".

Chris Oliver  
Assistant Administrator for Fisheries

Enclosure (letter)

