



COMMONWEALTH of VIRGINIA

Executive Department

Executive Directive Nine (2020)

Directing the Virginia Marine Resources Commission Regarding Regulations Related to Atlantic Menhaden Pursuant to HB 1448 and SB 791

Importance of the Initiative

Atlantic menhaden serve as the base of the marine food chain in the Chesapeake Bay and along the U.S. Atlantic Coast. They are a primary food source for commercially and recreationally important fish species such as striped bass, bluefish, red drum, and seatrout that bring in tens of billions of dollars and support hundreds of thousands of jobs in Virginia and other East Coast states. Whales, dolphins, and seabirds also depend on menhaden for their survival. Atlantic Menhaden are important to recreational and commercial fishermen in other ways, as well. The fish are the primary bait option for commercial crabbers and for anglers targeting many species of gamefish. They are also the target of purse seine fisheries based on Virginia's Northern Neck that provide either full time or seasonal employment to hundreds of people living in that area, and support the regional economy.

Earlier this month, the General Assembly passed and I signed House Bill 1448 and Senate Bill 791 transferring all management authority for Atlantic Menhaden from the legislature to the Virginia Marine Resources Commission (VMRC), which manages all other saltwater fish species in Virginia waters. VMRC implements science-based quotas established by the Atlantic States Marine Fisheries Commission (ASMFC), a regional fishery management organization composed of voting members from all the East Coast states. This transfer was necessary because the General Assembly did not always adopt ASMFC recommendations on Atlantic Menhaden in a timely manner, which led most recently to an exceedance of Virginia's 2019 Chesapeake Bay quota and a moratorium on Atlantic Menhaden fishing in Virginia waters imposed by the U.S. Secretary of Commerce effective June 17, 2020.

House Bill 1448 and Senate Bill 791 give VMRC the authority to set regulations that will bring Virginia into compliance with the ASMFC menhaden management plan and prevent the moratorium from becoming effective. As this regulatory authority is a significant new responsibility for VMRC, it is appropriate for me to offer guidance to the agency on how I expect it to implement the law.

Directive to the Virginia Marine Resources Commission

Accordingly, pursuant to the authority vested in me as the Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, I hereby provide the following directives to the Commission regarding the promulgation of regulations related to management of Atlantic menhaden in Virginia waters as authorized by House Bill 1448 and Senate Bill 791 (2020).

In crafting these regulations, the Commission shall consider the following:

- Ensuring that regulations are finalized in a timely manner to demonstrate to the Atlantic States Marine Fisheries Commission and the U.S. Department of Commerce that the current moratorium on Atlantic Menhaden fishing in Virginia waters should be lifted before its June 17, 2020 effective date;
- Establishing the Chesapeake Bay harvest cap for the Atlantic Menhaden reduction fishery at the level necessary to ensure compliance with current and future Atlantic States Marine Fisheries Commission management plans;
- The economic importance of menhaden to the Northern Neck and coastal Virginia, and ensuring continued sustainable harvest of Atlantic Menhaden by the purse seine reduction and bait fisheries, including in the Chesapeake Bay; and
- Ensuring continued protection of the Chesapeake Bay ecosystem.

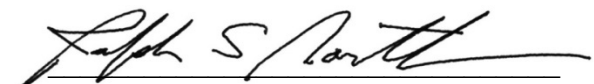
Additionally, the Commissioner of the VMRC shall request of the Atlantic States Marine Fisheries Commission that the Commonwealth be allowed to pay back the purse seine reduction fishery harvest overage from the 2019 fishing season in equal amounts over the 2020 and 2021 fishing seasons.

Effective Date of the Executive Directive

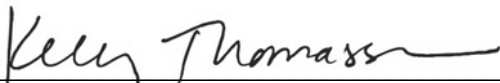
This Executive Directive shall be effective upon its signing and shall remain in force and effect unless amended or rescinded by future executive action.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 31st day of March, 2020.




Ralph S. Northam, Governor

Attest:


Kelly Thomasson, Secretary of the Commonwealth