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The Honorable Wilbur Ross
Secretary of Commerce
United States Department of Commerce
Hoobert C. Hoover Building
1401 Constitution Avenue, Northwest
Washington, DC 20230

The Honorable Earl Comstock
Director, Policy and Strategic Planning
United States Department of Commerce
Hoobert C. Hoover Building
1401 Constitution Avenue, Northwest
Washington, DC 20230

November 25, 2019

Dear Secretary Ross and Mr. Comstock,

On behalf of Audubon's 1.6 million members, we urge you to uphold the unanimous finding by the Atlantic States Marine Fisheries Commission (ASMFC) that the state of Virginia be found out of compliance with Section 4.3.7 (the Bay Cap) of Amendment 3 to the Interstate Fishery Management Plan for Atlantic menhaden, and impose a moratorium on Virginia's reduction fishery, effective immediately, until the state comes into compliance.

Earlier this month, the ASFMC unanimously voted to find Virginia out of compliance with the Chesapeake Bay harvest cap of 51,000 metric tons. This was after Omega Protein Corporation, the only company that participates in the industrial purse seine fishery in the state, exceeded the cap in September. Following its vote, the ASMFC wrote to Secretary Ross and Interior Secretary Bernhardt, stating both the non-compliance finding and the ecological and economic concerns associated with this violation. Finally, Virginia Governor Ralph Northam wrote to Secretary Ross, requesting the moratorium on further menhaden harvest in the state of Virginia, until the state can be brought into compliance through Omega Protein Corporation's compliance with the requirements of the Interstate Fishery Management Plan.

Atlantic menhaden are forage fish, or small, schooling fish that the entire marine ecosystem relies upon, including commercially and recreationally important fish, marine mammals, and seabirds. Imposing a moratorium will benefit birds in the Chesapeake Bay that rely on menhaden for food, and that are cherished by our members:

- **Bald Eagle**: In the Chesapeake Bay area, Atlantic menhaden are one of the four most important fish species during the non-breeding season. Additionally, changes in Atlantic menhaden levels influence Bald Eagle distribution and abundance.[i]
- **Brown Pelican:** Along Atlantic and Gulf coasts, Atlantic menhaden are the predominant prey of Brown Pelicans.[ii,iii]
- **Royal Tern:** From Virginia to North Carolina, Atlantic menhaden is predominately found in Royal Tern chick diets.[iv,v,vi]
- **Common Loon:** Common Loon migration from Lake Ontario to Chesapeake Bay coincides with the influx of Atlantic menhaden, their favored prey.[vii]
- **Osprey**: Along the Atlantic coast, Osprey's primary food source (75-82%) is Atlantic menhaden. During June and July, Osprey diets are 95-100% Atlantic menhaden.[viii,ix,x,xi]
- **Herring Gull:** Atlantic menhaden are an important prey for this species, especially during nesting season.[xii]

- **Other Birds**: Least Tern,[xiii,xiv] Manx Shearwater,[xv] Great Black-backed Gulls,[xvi] Great Egret,[xvii] Roseate Tern,[xviii,xix] Snowy Egret,[xx] & Sandwich Tern.[xxi]

Science has shown that when forage fish are fished at sustainable levels that keep their populations stable, seabirds thrive. One study showed specifically that when forage fish biomass fell below one third of the historical levels, 14 seabird populations produced fewer chicks.[xxii] Atlantic menhaden should be managed better so seabirds and other marine wildlife have a fair chance at survival. Taking steps to address Omega Protein exceeding the Chesapeake Bay harvest cap is important now, more than ever.

Additionally, ensuring proper management of forage fish in the Chesapeake Bay boosts fishing and ecotourism industries. Eight million wildlife watchers spend $1.6 billion on trip-related expenditures every year in the Chesapeake Bay.[xxiii] As noted in the ASMFC's November 15, 2019 letter to Secretary Ross:

> *The impacts of focusing high levels of removals from the Bay extend beyond ecosystem considerations to the other competing users of the menhaden resource, including economically important commercial and recreational fishing activities which target predators of menhaden. These species have supported valuable commercial and recreational fisheries on the Atlantic coast for centuries. For example, in 2016, Atlantic striped bass commercial and recreational fisheries supported 2,664 and 104,867 jobs, respectively. The economic impact of these fisheries was $103.2 million and $7.7 billion, respectively.*

Taking responsible steps to manage forage fish is critical to the health of the marine food web and coastal economy in the Chesapeake Bay; we urge you to hold Omega Protein accountable for their actions.

Sincerely,
Karen Hyun, PhD
VP, Coastal Conservation
National Audubon Society

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