



## Mid-Atlantic Fishery Management Council

800 North State Street, Suite 201, Dover, DE 19901  
Phone: 302-674-2331 | Toll Free: 877-446-2362 | FAX: 302-674-5399 | [www.mafmc.org](http://www.mafmc.org)  
Richard B. Robins, Jr., Chairman | Lee G. Anderson, Vice Chairman  
Christopher M. Moore, Ph.D., Executive Director

January 30, 2015

Ben Hartig  
4055 Faber Place Dr.  
Suite 201  
North Charleston, SC 29405

Dear Chairman Hartig:

We are deeply concerned that our previously unsuccessful efforts to establish a northern management area in the Snapper Grouper Fishery Management Plan have left a regulatory loophole that poses an immediate risk to the blueline tilefish resource in the Mid-Atlantic region. As you are aware, based on the 2006 advice of the South Atlantic Fishery Management Council, two of our member states—Virginia and Maryland—adopted regulations to ensure the sustainability of their fisheries. Unfortunately, those same fish are now being targeted by a directed longline fishery landing in other Mid-Atlantic states that do not have landing regulations. Headboats from states north of Maryland are also operating without limits on the same population.

The scale of the unregulated commercial landings in the Mid-Atlantic rivals the entire ACL for the species. We believe the situation warrants immediate action to ensure the viability of the blueline tilefish resource in the Mid-Atlantic.

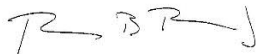
At our December meeting, our Council passed the following motion:

**Move that the Council send a letter to Mid-Atlantic and Southern New England states requesting the states adopt consistent incidental commercial trip limits and recreational bag limits for blueline tilefish to prevent the unmanaged expansion of this data-poor fishery.**

Letters have been sent to the relevant state directors requesting that they adopt regulations to close this critical regulatory gap. A copy of one of them is attached.

We are committed to working closely with your Council to develop long-term solutions to ensure the sustainability of this fishery in the Mid-Atlantic. We recognize that blueline tilefish is a data-limited stock and look forward to exploring opportunities to advance the state of the science on the species in our region. Meanwhile, we look forward to working with you and our respective NMFS regional offices to explore emergency or interim actions, as appropriate, to control the unmanaged fishery in the Mid-Atlantic.

Sincerely,



Richard B. Robins, Jr.  
Chairman

att: Letter to Delaware Director

cc: John Bullard, NMFS  
Roy Crabtree, NMFS



## Mid-Atlantic Fishery Management Council

800 North State Street, Suite 201, Dover, DE 19901  
Phone: 302-674-2331 | Toll Free: 877-446-2362 | FAX: 302-674-5399 | [www.mafmc.org](http://www.mafmc.org)  
Richard B. Robins, Jr., Chairman | Lee G. Anderson, Vice Chairman  
Christopher M. Moore, Ph.D., Executive Director

January 30, 2015

David Saveikis, Director  
Division of Fish & Wildlife  
Dept. of Nat. Res. & Env. Control  
89 Kings Highway  
Dover, DE 19901

Dear Director Saveikis:

This letter requests that your state agency consider adopting incidental commercial trip limits and recreational bag limits for blueline tilefish that complement other landing regulations in the Mid-Atlantic region in order to prevent the unmanaged exploitation of this fishery. Virginia and Maryland have previously established regulations for blueline tilefish to ensure the sustainability of the fisheries operating from those states, and their regulations are attached herewith.

The management of blueline tilefish in the Mid-Atlantic region has been hampered by a lack of coordination at the federal level, resulting in a patchwork of state regulations that do not extend effectively throughout the range of the fishery. Blueline tilefish are managed by the South Atlantic Fishery Management Council and the latest assessment (SEDAR 32, 2013) indicated that the stock is overfished and overfishing is occurring. When the South Atlantic Council sharply reduced the Annual Catch Limit (ACL) for the species in 2014 by emergency action, the regulatory gap in the Mid-Atlantic was exploited and commercial landings increased sharply (Figure 1). The MA-VA group cannot be further broken down due to confidentiality issues, but most of the increase in 2013 and 2014 came from New Jersey. The present, unmanaged loophole fishery for blueline tilefish in the Mid-Atlantic poses a threat to the sustainability of this resource.

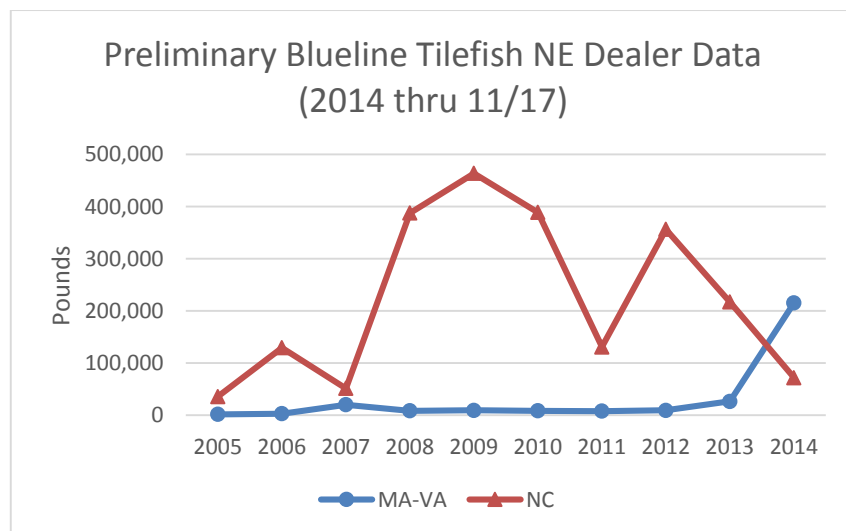


Figure 1. Northeast dealer weighout landings of blueline tilefish

The Mid-Atlantic Council is committed to working with the South Atlantic Council and the regional offices of NMFS to develop long term solutions for the coordinated management of blueline tilefish in the Mid-Atlantic. We are also committed to working with the South Atlantic Council and the Agency to explore emergency or interim actions, as appropriate under the Magnuson-Stevens Fishery Conservation and Management Act to bring the unmanaged components of the fishery in the Mid-Atlantic region under sustainable management.

As we renew our efforts to address the management of this fishery at the federal level, we would request your consideration of the following motion passed by the Mid-Atlantic Fishery Management Council at our December meeting:

Move that the Council send a letter to Mid-Atlantic and Southern New England states requesting the states adopt consistent incidental commercial trip limits and recreational bag limits for blueline tilefish to prevent the unmanaged expansion of this data-poor fishery.

Historically, the commercial fishery north of North Carolina consisted of incidental interactions by vessels targeting black sea bass or golden tilefish. Beginning in the early to mid-2000's, a recreational "deep-drop" fishery emerged in the region, primarily in the area of the Norfolk Canyon, with landings predominantly in Virginia. The deep drop recreational fishery emerged quickly and caught a mix of species including blueline tilefish, golden tilefish, snowy grouper, wreckfish, barrelfish, and black-bellied rosefish, among others. These species stratify by depth in the region and the blueline tilefish were readily available in depths of 45-70 fathoms. While it was emerging, the recreational deep-water fishery generated a steady stream of new IGFA world records for species in the complex, yielding 22 all-tackle IGFA records from 2005 through 2009. The recreational fishery included two distinct modalities - directed trips focused on deep-water species and mixed-mode trips that direct on tilefish and other deepwater species for a portion of an offshore trip that is generally focused on HMS species (pelagics). As the fishery continued to gain attention, in 2006 the South Atlantic Council wrote the Virginia Marine Resources Commission (VMRC) to express concern over the sustainability of the emerging fishery, due to the intrinsic biological characteristics of the species, which make them susceptible to overexploitation. Blueline tilefish are long-lived and are relatively sedentary, making them vulnerable to localized depletion. They are also characterized as a species facing high risk based on the 2009 PSA (productivity susceptibility analysis) analysis performed by MRAG.<sup>1</sup>

In response to the concerns raised by the South Atlantic Council, following a series of staff briefings and public hearings, the VMRC developed recreational and commercial regulatory measures. Recognizing that the recreational fishery was a uniquely high quality fishery, in 2007 the VMRC sought to ensure its sustainability by adopting a recreational bag limit of 7 tilefish (blueline or golden) per person. Furthermore, based on the biological concerns about the species' ability to withstand directed commercial fishing, and the lack of a historical dependence on the species commercially, the VMRC developed incidental commercial trip limits of 300 pounds for blueline tilefish. Maryland followed suit with similar regulations. The federal FMP overseeing the management of the species subsequently allowed a substantial expansion of commercial and recreational fisheries for blueline tilefish in the South Atlantic. Commercial landings increased dramatically between 2005 and 2010, predominantly in North Carolina. By the time the next stock assessment was conducted in 2013 (SEDAR 32), the

---

<sup>1</sup> [http://www.safmc.net/Portals/6/Meetings/Council/BriefingBook/Jun09/SSC/A11\\_EWGPSACatchLimits.pdf](http://www.safmc.net/Portals/6/Meetings/Council/BriefingBook/Jun09/SSC/A11_EWGPSACatchLimits.pdf)

assessment concluded that the blueline tilefish stock was overfished and overfishing was occurring.

The efforts by our member states Virginia and Maryland to ensure the sustainability of the blueline tilefish fishery off of their coasts have proved inadequate due to a lack of coordinated management in federal waters where the species is caught. Consequently, some headboats from states north of Maryland have been fishing on the same resource without any bag limits. Also, a small fleet of commercial longline vessels from North Carolina and other states have directed on the same population of fish, and they are now being landed in states north of Maryland that have not adopted commercial trip limits, most notably in New Jersey.

The need for federal coordination in the Mid-Atlantic region was recognized and explored unsuccessfully in Amendment 18 to the Snapper-Grouper Fishery Management Plan (FMP). The Mid-Atlantic Fishery Management Council and the VMRC supported the establishment of a snapper-grouper management area north of North Carolina that would have allowed for the development of regionally appropriate regulatory measures. After NOAA General Counsel questioned the need to establish a northern management area in the FMP, the South Atlantic Council did not adopt the northern management area alternative in Amendment 18. As a consequence, the regulatory loophole in the Mid-Atlantic has persisted, leaving the blueline tilefish population in the Mid-Atlantic vulnerable to unmanaged and unsustainable exploitation.

We look forward to working with our state and federal management partners to ensure a sustainable future for this fishery in the Mid-Atlantic and appreciate your consideration of this important issue. Please contact me or Dr. Chris Moore if you have any questions regarding our request or require additional information.

Sincerely,



Richard B. Robins, Jr.  
Chairman

att: Maryland and Virginia Blueline Tilefish Regulations

cc: Ben Hartig, SAFMC  
Michelle Duvall, SAFMC  
Sam Rauch, NMFS  
John Bullard, NMFS  
Roy Crabtree, NMFS

## Maryland and Virginia Blueline Tilefish Regulations Overview (accessed online 1/30/15)

### Maryland

#### Commercial

Species	Gear Type	Season	Sizes	Limits	Comments
Coastal Tilefish	Hook & Line, Net, Pot, Trap, Trotline, Seine	1/1/2014 - 12/31/2014	None	300 lbs of species listed under comments (excludes individuals with federal Golden Tilefish Quota)	Includes: (a) Blueline tilefish ( <i>Caulolatilus microps</i> ); (b) Golden tilefish ( <i>Lopholatilus chamaeleonticeps</i> ); and (c) Sand tilefish ( <i>Malacanthus plumieri</i> ).  Last updated on 1/7/2013 10:51:18 AM.

#### Recreational

Species	Minimum Size Limits	Season	Creel Limit	Remarks
Tilefish species	None	Open Year Round	Daily—7 in aggregate	Tilefish species — <a href="http://www.dsd.state.md.us/comar/getfile.aspx?file=08.02.05.29.htm">www.dsd.state.md.us/comar/getfile.aspx?file=08.02.05.29.htm</a>

### Virginia

#### Commercial

A. It shall be unlawful for any person harvesting tilefish when commercial fishing, as described in 4VAC20-1120-20, to do any of the following:

1. Possess aboard any vessel in Virginia waters any amount of tilefish species, in excess of 500 pounds whole weight or 455 pounds gutted weight.
2. Possess aboard any vessel in Virginia waters any amount of blueline tilefish in excess of 300 pounds whole weight or 273 pounds gutted weight.
3. Possess aboard any vessel any amount of golden tilefish during any in-season closure announced by the National Marine Fisheries Service.

B. It shall be unlawful for any vessel to land in Virginia more than 175 pounds of grouper, as described in 4VAC20-1120-20, per day when commercial fishing.

C. It shall be unlawful for any person to transfer at sea to another person or vessel any harvest of tilefish or grouper.

#### Recreational

A. The recreational harvest, landing and possession limit for tilefish, as described in 4VAC20-1120-20, shall be seven fish. It shall be unlawful for any person to recreationally harvest, land or possess more than seven tilefish within or without Virginia tidal waters. When fishing from any boat or vessel where the entire catch is held in a common hold or container, the possession limit for tilefish shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by seven. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limits.

## MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

**Richard B. Robins, Jr.**  
**Chairman**

**ROOM 2115 FEDERAL BUILDING**  
**300 South New Street**  
**Dover, Delaware 19904-6790**  
**Tel 302-674-2331**  
**Fax 302-674-5399**  
**www.mafmc.org**

**Daniel T. Furlong**  
**Executive Director**

**Lee G. Anderson**  
**Vice Chairman**

27 April 2009

Charles Duane Harris, Chairman  
South Atlantic Fishery Management Council  
4055 Faber Place Drive, Suite 201  
North Charleston, SC 29405

Dear Mr. Harris,

At the April 2009 meeting of the Mid-Atlantic Fishery Management Council (MAFMC), our Council passed the following motion regarding the South Atlantic Fishery Management Council's (SAFMC) Snapper/Grouper Fishery Management Plan (FMP):

"Move to request the SAFMC include an alternative in proposed Amendment 18 to its Snapper Grouper FMP for a northern Snapper Grouper Management Unit for deepwater species to be managed by the MAFMC in consultation with the SAFMC."

As you are aware, Amendment 18 to the Snapper/Grouper FMP considers two alternatives to extend the current Snapper/Grouper Fishery Management Unit (FMU) northward. More specifically, Alternative 2 in Amendment 18 would "Extend the management boundaries for all species in the Snapper/Grouper FMU northward to include the Mid-Atlantic Council's jurisdiction (except for black sea bass, golden tilefish, and scup)" and Alternative 3 would "Extend the management boundaries for all species in the Snapper/Grouper FMU northward to include the Mid-Atlantic and New England Council's jurisdiction (except for black sea bass, golden tilefish, and scup)". Our Council understands and appreciates that the action is being driven primarily by the new accountability requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Act) interpreted by National Marine Fisheries Service in its final rule regarding National Standard 1 and the fact that landings of groupers and blueline tilefish are known to occur in the Mid-Atlantic region.

*Management Background in the Mid-Atlantic* - Three species within the SAFMC's Snapper/Grouper complex are already under FMPs in the Mid-Atlantic; specifically, black sea bass, golden tilefish, and scup. At the state level in Virginia, on April 24, 2007, the Virginia Marine Resources Commission (Commission) moved to limit landings of grouper and tilefish by adopting a regulatory package to manage the complex on a precautionary basis as the modern deepwater fishery for these species evolved. Recreational anglers in Virginia are limited to one grouper per day and 7 tilefish per day. Virginia also adopted low commercial limits for these two species to prevent directed commercial effort on the complex; i.e., vessel limits of 175 pounds of grouper and 300 pounds of tilefish. The Commission is scheduling a public hearing for May, 2009 to consider adoption of recreational vessel limits on deepwater snapper/grouper species, in addition to lower individual possession limits, lower commercial limits and a new reporting requirement designed to collect landings data on recreational catches of

groupers and blueline tilefish. If adopted, this reporting requirement is expected to provide managers with valuable catch information in a data-poor fishery.

*Fishery Characteristics* - Most of the effort in the Mid-Atlantic region for deepwater snapper/grouper species occurs in the Norfolk Canyon, with the landings occurring primarily in Virginia and, to a lesser extent, in Maryland. The resource was essentially undiscovered until recently and likely represents an unexploited aggregation of fish, evidenced by the fact that the fishery has yielded 22 all-tackle IGFA world records for deepwater snapper/grouper species in the past three years. The Commission precluded the development of a directed commercial fishery by adopting low commercial trip limits on tilefish and groupers, so the fishery is predominantly recreational. Most of the blueline tilefish effort occurs in 50 to 70 fathoms, while the groupers are caught in 70 to 110 fathoms, typically on structure along the walls of the Norfolk Canyon. Snowy groupers are dominant in the grouper catch. Golden tilefish and wreckfish are also caught in the fishery, primarily on the edge of the Canyon.

*Fishery Data* - The available data for recreational snapper/grouper landings in the region are extremely limited and it appears that the MRFSS data do not accurately reflect the fishery in the Mid-Atlantic. Virginia added blueline tilefish to its citation program effective January 1, 2007 and subsequently issued 164 blueline tilefish citations in 2007, 137 in 2008 and 178 in the first two months of 2009. Virginia's citation program suggests significant recreational effort on blueline tilefish and yet MRFSS indicates zero recreational landings of blueline tilefish and groupers in the Mid-Atlantic from 2003 through 2006, and only 4,220 pounds of blueline tilefish landings in 2007 in the Mid-Atlantic.<sup>1</sup> While part of this may be attributed to some of the effort being concentrated in Wave 1 when MRFSS is inactive, it appears that the recreational snapper/grouper fishery is largely unaccounted for in the MRFSS survey in the Mid-Atlantic. Subsequently, the Mid-Atlantic population of snapper/grouper species is poorly understood and likely underestimated, to the extent that the SEDAR stock assessment process relies on MRFSS data. NMFS reports that commercial landings of blueline tilefish averaged 5,000 pounds per year from 2003 through 2007 in Maryland and Virginia, and 4,000 pounds during the same period in Delaware through New York, with negligible reported commercial landings of grouper or wreckfish in both regions.<sup>2</sup>

*Management Issues* - The recently evolved recreational fishery for snapper/grouper species in the Mid-Atlantic region raises several questions under the Act and the recently promulgated final guidelines. The MAFMC recognizes the need to account for all of the fishing mortality on the species in the FMP as required by the Act and acknowledges that National Standard 3 indicates that individual stocks of fish should be managed as a unit, to the extent practicable. However, several important issues make this fishery a unique case and support the establishment of a separate fishery management unit. First, while we do not have genetic or demographic data to comment on the stock structure, it does appear that the deepwater population of snapper/groupers in the Mid-Atlantic region is a relatively unexploited population of fish that was quickly brought under precautionary management at the state level by the Commission, whereas the South Atlantic complex has been subjected to a rebuilding plan. Second, the stock in the Mid-Atlantic is only partially assessed. Although the MRFSS data for catches of grouper and blueline tilefish feed into the SEDAR assessments, the MRFSS data indicate zero values in most years for these species in the Mid-Atlantic. Third, the fishery in the Mid-Atlantic for all of these species is predominantly recreational, and virtually all of the landings occur in 50 to 120 fathoms. By contrasting example, the South Atlantic fishery for wreckfish below the Virginia/North Carolina line is exclusively commercial and is managed under an ITQ system, while the Mid-Atlantic fishery for

1 SAFMC Snapper/Grouper Amendment 18, Table 3-56, page 3-59, and SAFMC presentation to MAFMC April, 2009.

2 [http://www.st.nmfs.noaa.gov/st1/commercial/landings/annual\\_landings.html](http://www.st.nmfs.noaa.gov/st1/commercial/landings/annual_landings.html)

wreckfish is almost exclusively recreational.<sup>3</sup> Finally, the reported commercial and recreational landings of these species in the Mid-Atlantic are *de minimis* relative to the landings in the South Atlantic.

Since mortality is known to occur in the Mid-Atlantic region (despite the lack of MRFSS data) and mortality is occurring on an unassessed component of the stock, the case is analogous to the Northern Gulf of Maine (NGOM) sea scallop landings, which represent removals from a component of the sea scallop population that is not part of the stock assessment, and the NGOM landings are very low relative to total landings in the fishery. The New England Fishery Management Council faces a similar challenge to account for the mortality in the NGOM scallop fishery as it develops Amendment 15 to comply with the ACL requirements of MSRA. NEFMC staff's current proposal is to take the NGOM landings off of the top before calculating the ACLs for the rest of the fishery. Unlike the snapper/grouper case, the NGOM case does not raise interjurisdictional issues between councils. Another relevant analogy exists in the joint Monkfish FMP, which is jointly managed between the NEFMC and MAFMC and includes separate northern and southern fishery management units, with separate quotas and management regimes, which are more reflective of differences in the fisheries (gear, etc.) than biological or genetic stock distinctions.

While the SAFMC's Amendment 18 proposes to extend the geographic range of its FMP throughout the MAFMC's jurisdiction, there are several measures in Amendment 17 that would also have major impacts on the fishery in the Mid-Atlantic region if the range is extended under Amendment 18. Specifically, draft Amendment 17 includes a preferred alternative that would "prohibit all fishing for, possession, and retention of all deepwater snapper/grouper species seaward of 40 fathoms..."<sup>4</sup> Since the Mid-Atlantic's fishery for these species (i.e. those not already covered under our existing FMPs for golden tilefish, scup and black sea bass) is prosecuted completely in waters deeper than 40 fathoms, the region's entire fishery would be eliminated. This measure would also potentially interfere with existing recreational and commercial fisheries for black seabass in the Mid-Atlantic.

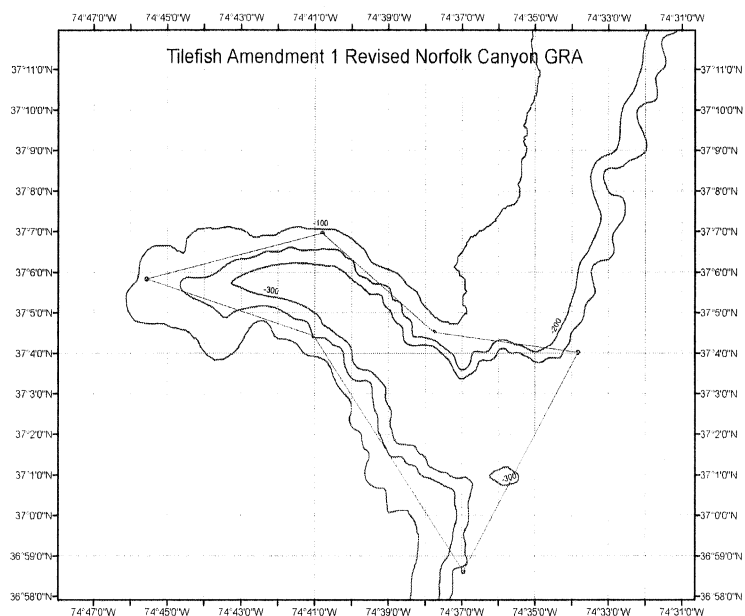
*Habitat issues* - If Amendment 18 extends the geographic range of the Snapper/Grouper FMP throughout the Mid-Atlantic's jurisdiction, it would also propose to establish EFH and HAPC designations for these species in the Mid-Atlantic. The MAFMC is currently limited to 2 voting seats on the SAFMC's snapper/grouper committee, and these members are not able to vote at the council level. Given the existing, limited mechanisms for representation in the management process, our Council is concerned that it would be difficult for the MAFMC to effectively represent its interests on issues of habitat designation in the Mid-Atlantic under the SAFMC's Snapper/Grouper FMP if the range is extended northward.

In order to protect golden tilefish habitat, the MAFMC recently recommended establishing four Gear Restricted Areas (GRAs) in Amendment 1 to its Golden Tilefish FMP. One of the GRAs covers the Norfolk Canyon (reference Figure 1, depths are in meters), which is the epicenter of the deepwater snapper/grouper fishery in the Mid-Atlantic. The timeline for the final rule for Amendment 1 to take effect is November 1, 2009, and the GRAs would provide additional habitat protection for a variety of deepwater snapper/grouper species by prohibiting any mobile, bottom-tending gear in the Norfolk Canyon.

---

<sup>3</sup> New York reported 25 pounds of commercial wreckfish landings in 2004 and 29 pounds in 2007, see NMFS landings query results at [www.st.nmfs.noaa.gov](http://www.st.nmfs.noaa.gov).

<sup>4</sup> SAFMC March, 2009 motion summary.



**Figure 1. Revised (modified closed areas) Norfolk Canyon GRA.**

*Summary and Recommendation* - The Mid-Atlantic's deepwater snapper/grouper fishery is a unique fishery and our Council is committed to the sustainable and fully accountable management of this fishery. In order to have the flexibility to develop a regionally appropriate management regime, the Council respectfully requests that the SAFMC add an option to Amendment 18 of the Snapper/Grouper FMP that would establish the plan as a joint plan for the purpose of establishing a northern management unit from the North Carolina/Virginia line northward.

In its discussion on the motion, the MAFMC indicated it did not wish to further insert itself into management decisions in the South Atlantic's jurisdiction, rather the sole purpose of establishing the FMP as a joint plan would be to establish a northern management unit.

Thank you for your positive consideration regarding this matter. We appreciate the opportunity to work closely together with your Council and the regional offices to develop a solution to this issue and I look forward to discussing this with you further at your earliest convenience.

Very truly yours,

*Clayton E. Heaton*

for Richard B. Robins, Jr., Chairman  
Mid-Atlantic Fishery Management Council

cc: Patricia A. Kurkul  
Joel MacDonald  
Roy Crabtree  
Mike McLemore