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
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.1

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

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1 http://www.safmc.net/Portals/6/Meetings/Council/BriefingBook/Jan09/SSC/A11_EWGFPACatchLimits.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

<table>
<thead>
<tr>
<th>Species</th>
<th>Gear Type</th>
<th>Season</th>
<th>Sizes</th>
<th>Limits</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>Hook &amp; Line, Net, Pot, Trap, Trawline, Gill</td>
<td>1/1/2014 - 12/31/2014</td>
<td>None</td>
<td>300 lbs of species listed under comments (excludes individuals with federal Golden Tilefish Quota)</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Species</th>
<th>Minimum Size Limits</th>
<th>Season</th>
<th>Creel Limit</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tilefish species</td>
<td>None</td>
<td>Open Year Round</td>
<td>Daily—7 in aggregate</td>
<td>Tilefish species: <a href="http://www.dsd.state.md.us/comar/getfile.aspx?file=08.02.06.29.htm">link</a></td>
</tr>
</tbody>
</table>

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.