

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

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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.¹ 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.²

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

wreckfish is almost exclusively recreational.³ 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..."⁴ 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.

3 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.

4 SAFMC March, 2009 motion summary.

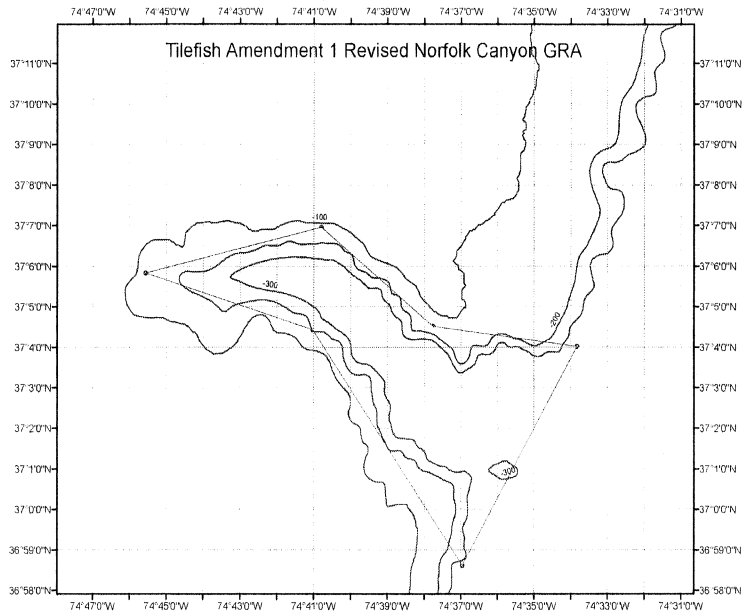


Figure 1. Revised (modified closed areas) Norfolk Canyon GRA.

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