



Mid-Atlantic Fishery Management Council

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Richard B. Robins, Jr., Chairman | Lee G. Anderson, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: 6/2/2016
To: Council
From: Jason Didden
Subject: Blueline Tilefish Recreational Specifications

In addition to the memo below, this tab includes several constituent communications, as well as the Fishery Management Action Team/Staff memo and the Advisory Panel Meeting Summary from the April 2016 meeting. No additional information is available, but those documents may be useful if the Council decides to reconsider its previously-adopted blueline tilefish recreational specifications.

On Wednesday, June 15th 2016 the Council is scheduled to “Consider alternatives to proposed blueline tilefish recreational specifications.” Since Council action in April 2016, the Council received several public comments expressing concern about the Council’s action, specifically the recreational specifications: An open season from May 1 – October 31 and per-person recreational bag limits of 7 blueline tilefish on for-hire inspected vessels, 5 blueline tilefish on for-hire uninspected vessels, and 3 blueline tilefish on private vessels. Concern was also expressed that there was insufficient opportunity for the public to comment on these measures. Together with a public webinar at 7pm on June 9, 2016 (<http://www.mafmc.org/council-events/2016/blueline-tilefish-listening-session>), this agenda item provides additional opportunity for public comment on the proposed recreational specifications, and an opportunity for the Council to consider those comments (the Amendment has not yet been submitted).

Staff’s understanding of the Council’s intent behind the adopted recreational specifications was to achieve catch reductions of approximately 50% compared to 2014/2015 catch, in order to stay within the recreational total allowable landings of 62,262 pounds¹, while accounting for the dependence of several party boats on blueline tilefish and the relative uncertainty of the catch

¹ Derived from a 73% recreational allocation of the Scientific and Statistical Committee’s Acceptable Biological Catch (ABC) of 87,031 pounds for 2017 and accounting for the small percentage of reported recreational discards

estimates from the charter and private vessel fleet². Given the low limits, if recreational catch is not sufficiently constrained this could cause substantial annual catch limit (ACL) overages and subsequent repayments in future years. Vessel Trip Reports (VTRs) also suggested that party boat trips in 2014-2015 with more than 7 fish per person accounted for 54% of the fish they caught, and that charter boat trips in 2014-2015 with more than 5 fish per person accounted for 58% of the fish they caught, i.e. charter boats had a lower average catch rate per person in recent years. Thus a uniform bag limit like the emergency regulations (7 fish) would appear to impact the party boat segment of the fishery more compared to the charter segment of the fishery. The Delphi workshop also suggested that private boats had fewer trips with high catch rates than charter boats.

The public hearing document considered a range of recreational trip limits of 5-9 fish, with an option for 3 additional fish for party boat trips that lasted longer than 36 hours. The public hearing document also considered seasonal closures, to be implemented in-season by NMFS if it determines that that one fishery's catch or the total catch will exceed 95% of a fishery's ACL or the overall ABC/ACL. While in-season recreational closures were not adopted by the Council, the general approach of closing part of the season to control catch was considered in the public hearing document.

Given the necessary reductions in recreational catch that became apparent after the public hearing document was created, the data on party and charter catches described above, public comment during hearings regarding dependence on the fishery by some for-hire entities, and opposition to relying on in-season closures, staff solicited input from the Advisory Panel on the feasibility of using a mix of differing seasonal trip limits for private, charter, and party boats. Staff used the AP input to draft several options for a memo that was posted to the April 2016 Council briefing documents webpage, and made available for discussion and public comment at the Council meeting. That memo and the Tilefish Advisory Panel Meeting Summary are included later in this tab for reference.

Staff continues to believe that the options recommended by the Council are viable in that they should limit catch compared to 2014/2015, and the accountability measures recommended by the Council will allow management measures to be adjusted if there are future overages. Given the status of blueline tilefish information, all measures will have uncertain results until reporting has been improved. Previous analysis included in the staff memo from the last meeting suggested that a 5 fish per person limit could reduce landings by 29% or more (based on party/charter VTR information), depending on how effort is impacted by a 5 fish per person limit. Public comment has suggested that anglers may not pay for a 5-fish limit trip. A 7 fish limit was associated with a 13% reduction, a 16% difference. Given November-December accounted for about 12.3% of reported catch, moving to a uniform 5-fish per person limit seems likely to approximately balance leaving November-December open. In addition, if (as mentioned in recent comments) substantial discarding occurred during a November-December

² The Council also recommended mandatory universal reporting for blueline and golden tilefish to address this uncertainty.

closure due to black sea bass fishing, closing November-December may not be as effective an option in terms of overall blueline tilefish mortality. Raising the private limit from 3 fish to 5 fish will increase the possibility of overages (once reporting begins), but the degree is difficult to predict given the available information.

May 10, 2016

Fred Akers
P.O. Box 395
Newtonville, NJ 08346

Mr. Richard B. Robbins, Chairman
Mid-Atlantic Fisheries Management Council
Sent by email to: richardbrobins@gmail.com

RE: MAFMC Blueline Tilefish Management Amendment Complaint

Dear Chairman Robbins:

Please consider this letter a formal complaint regarding the arbitrary and capricious decision made by the MAFMC under the Blueline Tilefish Amendment to split the recreational fishery into 3 sectors and cut private boat owners access to the fishery by 43% from 7 fish per day to 3 fish per day, while cutting the Party inspected for-hire vessel access to the fishery by 0%, keeping it at 7 fish per day for every angler on their boats.

In addition to the 43% reduction in the daily bag limit for private boat owners to 3 fish, this unfair and discriminatory action will also tend to reduce overall effort by private boat owners as well. During the scoping for this amendment, some party boat owners complained that bag limits less than 7 fish would cause many of their clients to not take trips for blueline tilefish due to the relatively high costs associated with the extended run offshore required for blueline tilefish in their region (PID page 68). 3 fish is a lot lower than 7 fish, so the 3 fish bag limit will significantly reduce private recreational boat effort on a trip basis as well as on a daily basis because of the costs incurred getting out to the tilefish grounds for only 3 fish.

Splitting the blueline tilefish recreational fishery into 3 sectors and unfairly distributing the allocation through different bag limits is arbitrary and capricious because this alternative was not considered, mentioned, discussed or otherwise presented during the entire amendment development process. Furthermore, splitting the recreational fishery into multiple sectors with separate and different management measures is not a customary practice by the MAFMC.

I attended almost every Committee, Council, and Advisory Panel meeting, studied the scoping documents, studied the Public Information Documents, and made written comments on the alternatives communicated to the public under **Alternative Set 12: Recreational bag/possession limits**, and a 7-5-3 recreational split sector bag limit was not proposed until after the public comment period had closed.

Furthermore, if the Council wants to start splitting the recreational sector for FMP species management, then it is very unfair to deny one of the sectors, in this case the private recreational boat owners, a seat on the Advisory Panel to represent that specific interest. I attended the 2/16/16 and 4/5/16 Tilefish AP meetings as an observer, and I observed that private recreational boat owners were targeted by the commercial and for hire AP interests as a big competitive problem for them in the tile

fish fishery, which seems to have ultimately resulted in their lobby to the MAFMC staff for this split sector punishment with a 3 fish bag limit for private recreational boat owners recommended in the 11th hour of the process by Council Staff.

As a private recreational boat owner who targets tilefish, I reported my legal catches of blueline tile for 2015 to the Council, and I was subsequently invited to participate in the Delphi Survey Process to help estimate recreational catch in the Mid-Atlantic Region, which I gladly volunteered to do. However, it now looks like my reward for participating in the Delphi Process and reporting my blueline catch for 2015 as a private recreational boat owner was to be targeted by the Party boat owners and the commercial interests on the tilefish AP as a threat to those special interests and to be punished by a last minute staff recommendation to restrict my access and fair share of a Public Trust Resource, blueline tilefish, and to arbitrarily favor the for hire recreational fishing interests by giving them higher bag limits than private recreational boat owners, like me.

One important management consideration that was excluded in this amendment was the regional economic value of the private recreational boat owners. If you are going to split the recreational sector and designate disproportionate catch limits, you should identify the economic value of each separate sector to inform your decisions based on the economic value of each one.

Private recreational boat owners who fish for tile fish invest hundreds of thousands of dollars in boats, tackle, bait, and fuel to fish for tile fish, and perhaps the cumulative economic value generated by private recreational boat owners to the Mid-Atlantic Region is greater than that of the few for hire boats that fish for blueline tile each year.

I am a public volunteer and interested party who currently serves on the Ecosystem and Ocean Planning Advisory Panel, the River Herring and Shad Advisory Panel, a past volunteer on the Bluefish Advisory Panel, and a general public participant who regularly attends Council meetings and participates with public comments.

Overall I am a very strong supporter of the outstanding, progressive, fair, and inclusive work that the MAFMC has done and continues to do to sustainably manage the fisheries under its jurisdiction, but the Council's recent arbitrary and capricious decision to split the recreational blueline tilefish catch with a 7/5/3 bag limit is a substantial disappointment, and seriously out of character.

I sincerely appreciate your leadership as the Chair of the MAFMC, and I appreciate the opportunity to log this complaint to you. Since the MAFMC has made its formal decision to recommend the 7/5/3 split sector recreational blueline tile fish bag limit to the National Marine Fisheries Service for adoption and implementation, I will provide NMFS with this letter and further comments to NMFS to stop the MAFMC's arbitrary and capricious decision on this fisheries management issue for blueline tilefish.

Respectfully,



Fred Akers, private recreational boat owner and tilefish fisherman from NJ

From: [Avery, Mike](#)
To: [Robins, Rick](#)
Cc: ["O'Leary, Tom"](#); [O'Leary, Joan](#); [DiDomenico, Gregory](#); [Blount, Frank](#); [O'Reilly, Robert](#); [Staff-MAF](#); [Saunders, Jan](#); [Bullard, John](#); [Pentony, Mike](#); ["Stanley Gold"](#)
Subject: RE: FW: MAFMC April 2016 Council Motions
Date: Tuesday, May 03, 2016 6:59:59 PM

Rick,

Much appreciate the response. While I fully understand the response, I don't get any satisfaction from it.

The bag limits and seasons are probably the most important part in the development of an FMP and we feel very misrepresented by the process of zero public input on those key decisions. I still believe it's an overall bad policy to give advantages to certain types of boats no matter how well intentioned. The other issue that I hope was considered by the open/closed season is the continued mis-alignment of species that inhabit the same waters. BSB are often mixed in with bluelines. As it is now, many BSB probably die while BSB is closed from Jan-May while targeting bluelines. Now with bluelines closed 1 Nov-31 Dec while BSB is open, many bluelines will probably die while anglers target BSB in those 2 months. Additionally, with a limit of only 3 bluelines, I wonder how much additional culling will take place among recreational anglers. Now instead of boxing the first 7 bluelines and be done, I wonder how many 3 to 5 lb bluelines will get tossed back in search of the 3 bigger bluelines since that is all they can keep. Many will keep tossing back small bluelines in search of the 10-15 lbers. I'm sure you guys know that most of these fish in 300 plus feet of water will not survive the trip back down if released.

I know the MAFMC has already made the decision so I do desire to participate in the public comment period prior to being published in the federal registry. If anyone has the details on when this will be available it would be appreciated

r/ Mike Avery

From: Richard Robins [mailto:richardbrobins@gmail.com]
Sent: Tuesday, May 03, 2016 10:53 AM
To: Avery, Mike <mike@averys.net>
Cc: O'Leary, Tom <tom.oleary@mcgladrey.com>; Joan <joleary@nefmc.org>; Gregory <gregdi@voicenet.com>; Frank <francesflt@aol.com>; Rob O'Reilly (MRC) <rob.o'reilly@mrc.virginia.gov>; Staff-MAF <Staff-MAF@mafmc.org>; Saunders, Jan <jsaunders@mafmc.org>; JohnBullard - NOAA Federal <John.Bullard@noaa.gov>; Pentony, Mike <michael.pentony@noaa.gov>
Subject: Re: FW: MAFMC April 2016 Council Motions

Mike

Thanks for your earlier email regarding the Council's blueline tilefish amendment. The Council was faced with the impending expiration of existing, emergency measures that would leave the blueline tilefish fishery and resource at least partially exposed to the same type of

unregulated fishing effort that occurred in federal waters in the Mid-Atlantic in 2014. Consequently, we had to take final action at our April meeting in Montauk and we had to make difficult decisions on the technical measures (bag/season) that would achieve a reduction in recreational landings of approximately 50%, relative to the catch estimated in the 2014-2015 period.

We did not have the benefit of knowing the SSC's ABC recommendation when we conducted the public hearings, so the first opportunities we had to discuss the resulting impacts to the technical measures was during the committee meeting on the first day in Montauk, and again on Wednesday during full Council. The quota is extremely low relative to the current fishery, and the Agency indicated they did not expect to be able to implement in-season monitoring of the recreational catch in the first year (2017). Since we do not have an OFL for this stock, the accountability measure in the event of an overage in 2017 would include a payback, which is an outcome we wanted to avoid. Consequently, the Council recommended measures to constrain the recreational landings to the new quota for 2017, and to include measures that would reduce the risk of an overage and the associated negative consequences for the fishery. As constraining as the quota is, I would note that the Delphi workshop that you and others participated in was essential to establishing a characterization of the scale of the recreational fishery in 2015. Without the landings estimates produced by the Delphi workshop, the quota would have likely been a fraction of the ABC that was recommended by the SSC.

This is a starting point for federal management in the Mid-Atlantic, and one that I believe we can improve upon. The SSC highlighted several research priorities, and I anticipate that we will move forward with them as soon as possible. Specifically, they recommended improving the historical time series of the recreational landings, and conducting fisheries independent surveys of the blueline resource in the Mid. The recreational measures that you have expressed concerns about would take effect at the beginning of the 2017 season, on May 1. If the Council is able to develop new information that would be relevant to the specifications, the information can be sent to our SSC for review and, pending any change to the ABC by the SSC, the Council could update the specifications and technical measures to the fishery in the future. Additionally, the specifications will be subject to annual review by the SSC and the Council, which will provide further opportunities to review the tradeoffs associated with specific recreational measures.

If you have further comments specific to the proposed recreational management measures, I would encourage you to send written comments to the Agency when they publish the proposed rule in the Federal Register. Thanks again for your expressed concerns and continued participation in the process as this management plan moves forward.

Best regards,
Rick Robins

On Thu, Apr 21, 2016 at 11:40 AM, Richard Robins <richardbrobins@gmail.com> wrote:

Mike

Thanks for forwarding your concerns regarding the Council's final recommendations on the blueline tilefish amendment. I am in a New England Council meeting and will revert next week.

Best regards,
Rick Robins

On Wed, Apr 20, 2016 at 3:06 PM, Avery, Mike <mike@averys.net> wrote:

Dear MAFMC Council Members,

I am deeply troubled by the motions passed regarding Blueline Tilefish at the April council meeting. I have been involved with MAFMC regarding bluelines for almost a year now attending meetings, taking the time to respond to draft documents including the recent draft FMP. Even taking time off traveling significant distances to be involved. The motions passed, particularly 12a which establishes a bizarre, highly discriminatory, and unprecedented limits of 7 per head boat, 5 per charter boat, and 3 per rec anglers did not appear in any of the documents or discussions the entire year 9 month long process. I fail to see the logic in discriminating between an inspected vessel vs non inspected vessel as it show clear and unjustified favoritism towards head boat operators.

And to add insult to injury the open and closed seasons are not justified as there are so few boats that fish for tile in the winter months there would be very little savings yet punish the few boats that can get a little extra income in the winter as NOAA continues to keep BSB closed and very limited striper opportunities off Virginia results in an almost complete shutout of winter fishing opportunities.

I highly encourage the council to delay the press release and reconsider these motions. I intend to energize all the anglers and Captains that took the time to get involved in this process only to have the rug pulled out from under us at the last minute. I don't know if these actions were deliberately deceptive in nature or just the "good idea grenade" got tossed around at the last minute but inserting such measures without public input is not what is expected of our government officials.

Virginia Saltwater Sportfishing Association (VSSA)
email: ifishva@gmail.com phone: [757-329-5137](tel:757-329-5137)
ifishva.org
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From: Avery, Mike [mailto:mike@averys.net]
Sent: Wednesday, April 20, 2016 1:35 PM
To: 'Didden, Jason' <jdidden@mafmc.org>
Subject: RE: MAFMC April 2016 Council Motions

I will be filing complaints with council leadership and HQ NOAA Fishery regarding the process used for the motions in 12a. Not very professional to staff a draft FMP then sneak in new rules the public had no ability to comment on. The 7/5/3 tile per person is bizzare, highly discriminatory, and unprecedented showing

favoritism to head boats for no justification. A paying customer should not be allowed to keep more fish just because the boat is inspected vs not inspected. And the open closed seasons are not justified giving no fishing options for winter fishing.

From: Didden, Jason [<mailto:jdidden@mafmc.org>]
Sent: Wednesday, April 20, 2016 11:40 AM
To: Avery, Mike <mike@averys.net>
Subject: FW: MAFMC April 2016 Council Motions

Motions are attached – a summary press release will be coming out soon...

Jason

From: Saunders, Jan
Sent: Tuesday, April 19, 2016 12:14 PM
To: O'Leary, Joan <joleary@nefmc.org>; DiDomenico, Gregory <gregdi@voicenet.com>; Blount, Frank <francesflt@aol.com>; Leo, Arnold G. <agleo@sover.net>; O'Reilly, Robert <rob.o'reilly@mrc.virginia.gov>; Staff-MAF <Staff-MAF@mafmc.org>
Subject: MAFMC April 2016 Council Motions

Please see attached.

M. Jan Saunders
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From: jjcboats1976@comcast.net
To: [Moore, Christopher](#)
Cc: [Didden, Jason](#); [HD](#); [Feller, Skip](#)
Subject: blueline tile
Date: Saturday, April 30, 2016 7:35:06 AM

Chris thanks in advance for taking the time to read this email. I just received a copy of the proposed blue line tile fish proposal. This new proposal is extremely harmful to two of the three people that provided VTR on tile in the mid Atlantic. Skip Feller and myself catch the bulk of our fish from Nov through April given that the sea bass have been shut down in the winter the only thing we have to fish for are golden tile and blue line tile. We try to target sea bass and golden tile because they create the most interest but the blue line tile we catch with them make the trip. Unfortunately the Blue lines are mixed in with the sea bass and golden tile below 38 degrees where we fish. The depth they are caught in makes it impossible for them to live if we through them back. I personally think the committee for once is headed in the right direction with the separation of the inspected vessels however all private vessels will become charter boats if stopped. I think there should be inspected vessel and uninspected vessels and for the inspected vessels we need the latitude to be able to be able to fish. I believe most of us would rather have a longer season and smaller bag limit if we had to make a choice. I would ask you to reconsider the proposed proposal and please distribute this to the rest of the committee. The handful of head boats left in the business are dying a slow death please help us. Thanks Jim Cicchitti JJC Boats Inc (dba: Starlight Fleet)

From: [Skip Feller](#)
To: [Moore, Christopher](#)
Cc: [Didden, Jason](#); [Robins, Rick](#)
Subject: Blue Line Tile
Date: Tuesday, May 03, 2016 11:16:20 AM

Chris Moore & The Mid Atlantic Council;

To begin with, thank you for taking the time to read this. After receiving a copy of the proposed plan for the Blue Line Tilefish fishery, I can honestly say that these changes are detrimental to the livelihood of many, including myself. As a headboat operator out of Virginia Beach, Virginia my business relies greatly on Blue Line Tilefish and would most likely not survive should the proposed plan be passed. While Seabass are our customer's most desired fish, the Seabass season closures make Blue Line Tilefish what keeps our business afloat during the winter season.

Unfortunately, there are more problems with the proposal than just the possibility of lost business. Another major problem that I see is that these closures are supposed to be helping sustain the fishery, but in turn will cause an inhumane affect on the Tile Fish. Because the Tile Fish are caught in cold, deep water they would not survive being thrown back after being caught. Unfortunately, the Tile Fish presence is still so strong that it would not just be a few being caught and thrown back to die.

While it seems that the council is attempting to do some good by creating a divide between private boats and charter/headboats, the proposal still seems to hurt the headboats who submitted VTR's the most. If these limits and season are to be imposed, the difference in quota numbers should be set between inspected and uninspected vessels as to deter the private boats from becoming charter vessels in order to increase their own bag limits.

It is understood that there needs to be some closures but our hope is that it will remain open November and December and the closure be January through April. Having the season closed January-April means that we will be completely sacrificing 4 months of business and unable to run any sort of trip. One can only imagine what that will do to our business to begin with, but closing the season any longer than those 4 months would undoubtedly sink us altogether. While it is not ideal to drop the bag limit at all, if the toss up was between 6 months of closure and maintaining a 7 fish bag limit or 4 months of closure and decreasing the bag limit to 5 fish we would gladly take the decreased bag limit and 4 month closure.

Again, I want to thank you for taking the time to consider these decisions and

their affect on so many and take my concerns into consideration while deciding on the final plan.

Skip Feller

Rudee Tours



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MEMORANDUM

Date: 4/8/16
To: Council
From: J. Didden 
Subject: Blueline Tilefish FMAT Summary and Staff Recommendations

The Fishery Management Action Team (FMAT) for Blueline Tilefish met via teleconference on 4/6/2016 to consider recommendations for the Council's Blueline Tilefish Amendment. In attendance were FMAT members Jason Didden (MAFMC), Paul Nitschke (NMFS-NEFSC), Tim Cardiasmenos (NMFS-GARFO-NEPA), and Doug Potts (NMFS-GARFO-SF). T. Cardiasmenos had to leave the call early. Rick Robins was also connected for part of the call.

While the Council will select what (if any) allocation to make in this Amendment, for purposes of analysis/discussion about what limits might sufficiently constrain the recreational and commercial fisheries, the FMAT assumed a 25% commercial and 75% recreational division of the 87,031 pound Acceptable Biological Catch (ABC) recommended by the Council's Scientific and Statistical Committee (SSC). This would lead to a 65,273 pound recreational annual catch limit (ACL) and a 21,758 pound commercial ACL. Assuming that reporting can be obtained from all sectors, there is no information for the FMAT to recommend management uncertainty buffers at this time so the annual catch targets (ACTs) would equal the ACLs. If enforcement reveals ongoing reporting compliance issues or if the ACL is exceeded, then a management uncertainty buffer would likely be recommended in the future. Given the SSC utilized a 2% discard rate for the recreational sector and a 1% discard rate for the commercial sector (both from VTRs), it appears reasonable to the FMAT to apply these rates to the ACTs, which produces recreational total allowable landings (TAL) of 63,968 pounds and commercial TAL of 21,540 pounds.

Under the above assumptions, the FMAT noted that while the emergency regulations appear sufficient to restrain the commercial fishery to its possible TAL, the emergency regulations do not appear sufficient to restrain the recreational fishery to the TAL described above - compared to 2014/2015, catch would have to be approximately reduced by 50%. As described in the public hearing document, it is estimated that the current commercial regulation of 275 pounds gutted fish would have resulted in approximately 14,500 pounds of commercial landings (live weight) from Virginia north in 2015, had the emergency regulations been in effect for the entire year. Given this finding, it appears to the FMAT that the option for 300 pounds gutted fish (slightly more than the current regulations) would constrain the commercial fishery to a TAL of 21,540 pounds, though there is limited data for analysis. Moving up to 500 pounds is likely to lead to reaching the commercial TAL before the end of a fishing year, especially since there has been public comment that additional directed fishing will occur at a trip limit of 500 pounds. The FMAT recommends using even numbers to facilitate compliance/enforcement if possible. There was discussion whether trip limits could be increased near the end of the year if quota was

available, but the FMAT thought that this could be difficult to implement successfully initially, especially without additional data on fishery performance.

The FMAT noted that in 2015 when the emergency regulations went into effect (June 4, 2015), recreational catch apparently increased compared to 2014 (when there were no federal regulations). While partyboat catch did fall from 2014 to 2015, estimated charter boat catch 2014-2015 approximately doubled, which also doubled the assumed private catch. The FMAT noted that additional work on the charter boat time series may be warranted, given the low reporting and possible issues with assuming a constant multiplier though time based on the 2015 Delphi estimated catch and the 2015 Vessel Trip Reports (VTRs). To the degree that under-reporting increases looking back in time, then the charter time series will be under estimated further back in time. Staff noted that the numbers of charter vessels reporting some blueline tilefish catch in 2014 and 2015 did not appreciably change.

The FMAT also noted that to the degree that the Delphi process was in error, or to the extent that future catch reporting is in error, any tracking of future catch by universal mandatory reporting may generate unexpected results.

To begin considering how recreational catch may be limited to avoid ABC overages, staff reviewed VTR data from 2014-2015 trips according to average blueline tilefish caught per angler. For party-charter combined, a large portion of the catch was caught on trips that landed a high number of fish per angler (see Tables 1 and 2).

Table 1. 2014 Party/Charter Trips

Fish/Angler	Total Fish	Percent of total fish
1-2	881	6%
3-5	3196	20%
6-7	3244	20%
8-9	968	6%
10+	7609	48%

Table 2. 2015 Party/Charter Trips

Fish/Angler	Total Fish	Percent of total fish
1-2	601	4%
3-5	1230	9%
6-7	5211	39%
8-9	3616	27%
10+	2776	21%

Staff also reviewed 2014/2015 VTR party and charter data separately, which showed that charter boats had a lower average catch rate per person, with most (62%) of the reported catch coming from trips that caught 3-7 fish, while most (54%) of the party boat catch came from trips where catch rates averaged 8 or more fish per angler.

Table 3. 2014/15 Charter Trips

Fish/Angler	Total Fish	Percent of total fish
1-2	417	15%
3-5	756	27%
6-7	993	35%
8-9	379	13%
10+	285	10%

Table 4. 2014/15 Party Trips

Fish/Angler	Total Fish	Percent of total fish
1-2	1065	4%
3-5	3670	14%
6-7	7462	28%
8-9	4205	16%
10+	10100	38%

These data suggest to staff that compared to 2014 or 2015, even the emergency regulations will be slightly restrictive, and are more restrictive for the party boat segment of the fishery compared to the charter segment of the fishery. Additional restrictions could impact both catches per trip/person and effort so the impacts on catch are difficult to predict. Public/Advisory Panel comments suggest that restrictions below 7 fish would substantially impact party boat effort by discouraging participation (deep drop tilefish trips cost \$220-\$575 per person on party boats). Public comment has also indicated that high-grading/ discarding may become an issue with per person trip limits below 7 fish.

Staff also reviewed party/charter 2014-2015 catch by month – see table 5. While some effort transfer may occur from a month that might be closed to months that remain open, there should be some catch reductions from any closed season. Several members of the AP provided input that a closure Jan-April with a 7-fish limit (per person) would be reasonable. However staff noted that Jan-April only accounted for 6% of VTR reported landings and a larger reduction in catch is likely necessary to adhere to the ABC. Additional comments from some AP members also suggested that a closure and/or per person trip limit reduction in Nov/Dec could be manageable given that many Jan-April trips are canceled due to weather anyway and that black sea bass are available in Nov/Dec.

Table 5. Party-Charter 2014-2015 VTR Catch by Month.

Month	% Catch
Feb	1.7%
Mar	0.6%
Apr	4.0%
May	13.7%
Jun	18.4%
Jul	16.6%
Aug	19.1%
Sep	7.2%
Oct	6.3%
Nov	4.0%
Dec	8.3%

To generate discussion on the AP call, staff solicited input on a system of per person trip limits that vary by season, per table 6. The lower limits for charter versus party were based on the findings that charter boats had lower catch rates per angler to start with (see above), and the lower limit for private anglers was based on a presumption that private anglers also have lower catch rates and that there is more economic dependence on this fishery for party and charter operations (and especially for the 3-4 party boats that specialize in deep-drop fishing). The private catch is also least understood given the lack of MRIP data for blueline tilefish, and until more is understood about the private catch, relatively low limits would help minimize the risk of high private catches shutting down the fishery much more quickly than expected.

Table 6. Initial recreational limits for discussion.

	July 1 - Feb 28	March 1-June 30
Private	3	
Charter (6 or less)	3	5
Party	5	7

Under any scenario of increased restrictions, there is no way to predict how the fishery would proceed other than that catch would be more restricted. In season closures could avoid overages and paybacks but could also discourage reporting. The FMAT was skeptical that reporting compliance could be achieved or that differential per person trip limits by season and segment of the fishery could be effectively communicated. Staff noted that there are reporting options in the document that would provide for compliance checks on reporting. A universal per person trip limit would be simpler to communicate and enforce, but may place more of a burden from the reduction on the party boat segment of the fishery.

The FMAT also had concerns that closing the fishery for Jan-April would have a minimal impact on catch, and even adding in a Nov/Dec closure only covers 19% of catch. A July-October open season would span approximately half of the catch over 2014-2015, and could be an option that had a chance of holding catch to approximately 50% of 2014-2015 without requiring in-season monitoring, especially if combined with a per-person trip-limit restriction. The Council could also combine a seasonal closure with per-person trip limit restrictions, as described in the examples below (Table 7). For all of these options, since the limited data does not allow for quantitative estimates of the resulting catch, the only way to effectively limit catch would be to combine any limits with in-season monitoring/closing and real-time reporting. The more restrictive the measures are, the less likely that in-season closures will be triggered (if selected by the Council). By converting high 2015 per-person catches to 7 or 5 fish person, catch reductions of 13% and 29% would be achieved respectively, assuming the same number of trips. However, if a 5 fish per person limit reduces effort/trips overall, then a greater than 29% reduction would be achieved. Therefore combining a 5 fish per person limit with a closed season from Nov1-Apr30 should have a relatively low risk of substantial in-season closures, and more liberal seasons/per person trip limits would have a relatively higher risk of in-season closures. Given the limited data it is not possible to quantify the differences.

Table 7 – Alternative Season/Bag Limits

	Jan 1-April 30	March 1-Dec 31
Private	Closed	3
Charter (6 or less)	Closed	5
Party	Closed	7

Closure = 6% of catch 2014/2015

	Nov 1-April 30	May 1-October 31
Private	Closed	3
Charter (6 or less)	Closed	5
Party	Closed	7

Closure = 19% of catch 2014/2015

	Nov 1-April 30	May 1-October 31
Private	Closed	5-7
Charter (6 or less)	Closed	
Party	Closed	

Closure = 19% of catch 2014/2015

Finally, during the call Rick Robins noted that if the fishing year began on Jan 1 instead of Nov 1, then Jan 1-Apr 30 could be closed regularly as part of the season, and if in-season closures are used, Nov-Dec would be closed or not depending on how landings progressed during the year. The FMAT noted that there are administrative savings to aligning the golden tilefish and blue line tilefish fisheries from a fishing year perspective, but that it may be possible to have the

two fisheries in the same regulatory action targeted for the golden tilefish fishing season of November 1, but have the blueline tilefish season start January 1.

The FMAT also reviewed the other alternative groups in the document, as described below:

2. Management Unit: The FMAT supports using the VA/NC line (2a), and this is the recommendation of staff.
3. Status Determination Criteria: FMAT/staff supports automatically incorporating the best available science).
4. Commercial Permitting and Reporting: The FMAT sees no strong need to create a separate blueline permit at this time – if limited access is pursued later then landings of blueline tilefish could be examined regardless of whether there is a separate blueline tilefish permit or it is combined with golden tilefish. For other items, standard commercial reporting appears reasonable and electronic (e)VTRs would not appear critical since near real-time reporting occurs through dealer reports. However, eVTRs could facilitate more rapid assignment of catch by area.
5. For-Hire Permitting and Reporting: The same rationale regarding commercial permitting applies to party/charter permitting (no strong advantage apparent for separate permits). However, given the potential need for in-season monitoring, eVTRs are recommended by the FMAT and staff, and to facilitate enforcement/compliance they should have the same real-time requirements for reporting before fish leave the boat (or boat leaves the water if trailered), as described for private reporting.
6. The FMAT discussed a staff recommendation that the HMS system be used to require private anglers to obtain a separate tilefish permit to catch golden or blueline tilefish. This is a hybrid of 6a and 6b. Staff agrees with public comments that a separate private tilefish permit be required rather than just an HMS permit, because this would provide better information on the universe of anglers interested in tilefish fishing. Since many offshore anglers are familiar with the HMS online permit interface, having that site be where tilefish permits are obtained should be relatively convenient. This would likely require that private anglers pay a permit fee to support the system, which is currently \$20.00 for HMS permits. Staff also recommends that reporting of golden/blueline tilefish be required through an ACCSP phone/tablet application before fish are brought off a vessel/water because surveys are unlikely to ever provide precise catch estimates for tilefish, and the only way to check compliance is to require reports to be completed and submitted before fish leave a boat. The FMAT does have concern about how to obtain high compliance and notes that a substantial outreach effort will be necessary. There was no specific FMAT recommendation for these alternatives but NMFS staff may have additional input at the Council meeting.
- 7/8. The FMAT supports using one Monitoring Committee for tilefish, and notes that the Council may also want to specify that one Advisory Panel would be used. The FMAT also supports incorporating the ability to framework actions when appropriate. Staff concurs.
9. The alternatives in group #9 are all necessary to set specifications through the standard Council risk-policy/SSC process.
10. 10a-10c. These alternatives deal with allocations. While the FMAT has no specific allocation alternative recommendations, the FMAT does note that while the catch time series were generated in a reasonable manner given the available data, there is considerable

uncertainty with the recreational time series. 10d or 10e would need to be selected according to whether or not an allocation is made in order to set specifications.

11/12. Trip/Bag limits are discussed above.

13. EFH – no additional comments.

14. The FMAT discussed the proposed accountability measures (AMs) and had no specific recommendations but notes that AMs are required. Issues with in-season closure authority are discussed above, but generally in-season closure authority may be necessary to avoid major impacts to future years from year-end overages.

4/5/16 Tilefish Advisory Panel (AP) Meeting Summary

Afternoon – Blueline Tilefish

Attendance (*AP Members)

*Dave Arbeitman
*Jeff Gutman
*Ron Callis
*Skip Feller
*Jan McDowell
*Mike Johnson

Jason Didden (MAFMC Staff)
EC Newellman/Dan Kulsar
Dewey Hemilright
Fred Akers
Laurie Nolan
Paul Nitschke
Rick Robins
Rob O'Reilly
Steve Doctor

Jason Didden provided an overview of the Blueline Tilefish Amendment and then the call participants (AP members and others) asked questions and provided comments, summarized below.

Summary Comments:

D. Hemilright asked for the numbers of party/charter vessels that have been reporting via vessel trip reports (VTRs) and where the recreational time series came from given the ranges of the Delphi Process results. J. Didden referenced the public hearing document and staff memos that addressed these questions and summarized the available information. D. Hemilright also questioned whether the current emergency/VA/MD regulations had any biological basis. R. O'Reilly offered to distribute relevant Old Dominion University biological research.

S. Feller – What if we closed Jan-April and had a season May 1 – Dec 31, leaving the possession limit at 7 fish for party/head boats? (Don't want random catch estimates from Jan-April hurting fishery in the long run.) He supported a variable trip limit for private/charter/head boats. He doesn't want to see a lower bag limit anytime, but after summertime (Sept-May) he has "diehard" fishermen where 7-fish is more important. If I had to go lower (5 fish) do it June-August but really think limit needs to stay at 7.

J. Gutman – Headboats have concern about minimal data from private and charter sectors and don't want to see any spikes of catch estimates that didn't really happen – this is part of the reason for keeping Jan-April closed. For party boats, having different trip limits across the year would just result in people shifting effort into the part of the year with higher trip limits. Starting the season during better weather allows more of the general public to access the fishery. Since we don't know the extent of the charter boat fleet, consider using the control date as an indicator of who true charters are so that private boats don't "convert" to charter boats in order to get higher trip limits. Agrees with D. Arbeitman regarding daily trip limit (see below) – cited practice in Gulf of Mexico where headboats with two crews can catch a double daily limit for multi-day trips.

The ABC seems to go against the Delphi process. Also, the emergency rules were chosen partly because those rules have worked for a number of years in VA/MD without decimating the population and it seems wrong for some/any participants to have to go to lower trip limits given 7 fish/person is working. If the bag limit gets too low then you will run into issues with people high-grading fish and creating a discard problem.

J. Gutman also has "diehard fishermen" but they also fish in summertime to get decent weather. He would rather give up season rather than bag-limit, and during a closed season you know you won't get any landings. We (NJ) don't have the summer seabass that folks in VA can mix in and can't go below 7 fish. Maybe have Nov or Dec or both closed – all areas have access to black sea bass in Nov/Dec. Perhaps close Nov/Dec and not Jan/Feb since there is nothing else to fish for in Wave 1.

M. Johnson – You have to consider the recreational X-factor and the uncertainty about the recreational sector and what we don't know about them and the potential for real and significant impact re: catch & accountability.

There should be a mechanism (like a 10-20% percentage of a golden tilefish trip) to address circumstances where blueline (grey) tilefish are caught during golden tilefishing. There are some places where you can get 40%-50% catch ratio of bluelines to golden tilefish and you could get a lot of discards. The commercial sector would be in agreement to avoid waste and this needs to be addressed. At 275 pounds there is the potential for a good bit of discards. There's not a big history of large catches but there should be consideration for areas in more southern areas with more bluelines – there were some sets I didn't make last year to avoid throwing away bluelines while golden fishing. Guys won't target for 200 pounds more fish (i.e. ~500 pounds total). Need a mechanism to allow boats on multi-day days trips that are IFQ fishing for goldens to retain a little bit more blueline tilefish to avoid regulatory discarding and wasting the resource.

D. Arbeitman – What about a daily bag limit versus a trip limit – it is not fair for trips that have to run much further (NJ) to only be able to catch what a vessel further south (VA) can catch in one day. For a 2-day trip in NJ you get one trip limit, and two 1-day trips further south can catch double that. The whole ABC is not right. How they [SSC] came up with this in such a data-poor fishery goes beyond reason. How did the SSC determine the ABC for bluelines versus golden tilefish. Based on this ABC it's like saying there are 20 times more golden tilefish and how could they come up with totally different ABCs for species that are both considered to be

sedentary and slow growing? [P. Nitschke noted that Golden Tilefish uses an ASAP model projection & J. Didden noted that at this point there is not sufficient information for a similar assessment off the mid-Atlantic but the goal is to move in that direction and to gather more data.] D. Arbeitman noted that with such a low ABC you may never get the information that tells you more catch is possible, especially when paybacks kick in for any overages, in a similar fashion as black sea bass - this is a no-win situation for anybody and the cart is before the horse.

Ron Callis & D. Arbeitman – In agreement to stay at 7 fish and have a closed season in the early part of the year.

D. Kulsar – At a 275 pound trip limit, what happens to unused quota? (J.Didden noted that there are no provisions for quota roll-over.) Could the limit be raised at the end of the year if there is a substantial amount of quota remaining in the last months of the fishing year? D. Kulsar agreed with M. Johnson regarding avoiding discarding bluelines while fishing for golden tilefish (see above).