

## FISHERIES MANAGEMENT DIVISION EVALUATION, 02/24/2015

### **REQUEST FOR PUBLIC HEARING:**

Proposed amendments to Chapter 4 VAC 20-280-10 et seq. "Pertaining to Speckled Trout and Red Drum", to establish the annual recreational and commercial management measures for speckled trout.

### **ISSUES:**

At the previous FMAC meeting on October 22, 2014 the committee recommended changes to the recreational and commercial management of speckled trout. Recommendations by the committee included a revised possession limit of 7 fish with 2 fish allowed to be 24 inches or greater and modifications to the commercial by-catch limit. The discussion was tabled until the beginning of the year when preliminary results to the 2014 North Carolina Stock Assessment would be available. At the recent meeting of FMAC on January 13, 2015 the committee recommended and staff supports the following management changes:

1. Increase the recreational possession limit from 5 to 7 fish greater than 14 inches and have two fish 24 inches or greater from April 1 through November 30. This measure will retain the bag limit of 5 fish 14 inches or great with 1 greater than 24 inches from December 1 through March 31 as a precautionary conservation measure during the winter months.

2. Increase the commercial quota by 10 percent, remove the term by-catch from the regulation, and establish a 150 pound vessel limit when 80% of the quota is reached. These provisions are intended to reduce dead discards in the commercial fishery and allow commercial harvesters to achieve the entire commercial quota while keeping previous quota management measures in place.

These recommendations were partially bases on the preliminary results of the 2014 North Carolina stock assessment (discussed below), as well as indications from the VIMS-VMRC tagging program and the VMRC citation program that the population status of speckled trout is favorable to moderate relaxation of previous regulations.

### **BACKGROUND:**

In 1995, the Commission implemented a commercial quota of 51,104 pounds of speckled trout per fishing season (September 1 through August 31) as a conservative management measure. This

quota was developed by using an average of the commercial landings of speckled trout from 1993 and 1994, plus 25% of the average. In the 2011/2012 fishing season, the commercial fishery landed 69,213 pounds of speckled trout, exceeding the quota by 35%. This was the first season the quota had been exceeded since its implementation in 1995 (Figure 1). In March of 2014, the Commission adopted management measures to prevent exceeding the commercial quota in future seasons. These measures consisted of a quota trigger that reduces the vessel limit to 100 pounds of by-catch when it has been projected that 80% of the quota has been attained, and a weekly buyer reporting system from August 1 through November 30 to monitor the commercial harvest during the months when speckled trout harvest is the highest.

The recreational fishery accounts for the majority of speckled trout harvest in Virginia (Figure 2). It should be known that estimates of recreational harvest are provided by the Marine Recreation Intercept Program of National Marine Fisheries Service and does not account for harvest in the months of January and February (Wave 1). In March of 2014, the Commission adopted amendments to the recreational speckled trout fishery. By request of the FMAC and the VMRC staff, an emergency March 1 through July 31, 2014 closure of the harvest of speckled trout by recreational gear was adopted. This included a 5-fish bag limit wherein one fish up to 24 inches may be kept in open seasons. These measures were implemented in response to the observed cold stuns in the winter of 2014. The FMAC sought to conserve the speckled trout stock while maintaining a world-class trophy fishery.

Speckled trout in North Carolina and Virginia are considered one unit stock with individuals that intermix between the two states. The extent of mixing of individuals between the two states is not yet fully understood. However, tagging efforts have revealed a tendency of speckled trout to travel south in an effort to avoid cold waters. In 2009, North Carolina conducted a stock assessment that used data from 1991 through 2008 in a statistical catch-at-age model for fish harvested in both North Carolina and Virginia. The assessment included Virginia landings data but did not include biological data collected by the VMRC's Biological Sampling Program. The 2009 assessment indicated that the stock in North Carolina and Virginia was overfished and that overfishing was occurring throughout the entire 18-year time series. The 2014 North Carolina Stock Assessment is scheduled to be finalized by March of 2015. The preliminary results of the new assessment indicate that the North Carolina and Virginia stock of speckled trout are not overfished and overfishing is not occurring.

At the October 2014 and January 2015 FMAC meetings, the FMAC was presented with updated commercial and recreational landings data and other sources of data that indicate stock health. Preliminary conclusions to the 2014 North Carolina Stock Assessment indicate the stock is not overfished and overfishing is not occurring. The stock assessment will be peer reviewed and finalized by March of 2015. Additionally, the FMAC was presented with qualitative information on positive stock health that included citation data from the VMRC's Virginia Saltwater Tournament citation program. The program reported that citations of speckled trout 24 inches and greater or 5 pounds and greater in 2014 were second highest in the programs history, the highest being 2012. The Game Fish Tagging Program has also seen increasing numbers of speckled trout between the years of 2011 and 2013. Commercial landings show a positive trend upward for the previous two seasons. In addition, commercial and recreational fishermen have anecdotally reported an abundance of speckled trout available for harvest the past few seasons.

Commercial industry members at the October 2014 and January 2015 requested, by public comment, that the FMAC consider addressing the 100 pound by-catch limit when 80% of the quota has been reached. They explained that this provision will often promote discard mortality and does not promote conservation overall. They also clarified that the 100 pound by-catch limit has prevented the industry from being able to achieve their entire seasonal quota. Instead, the FMAC is interested in a possession limit rather than the current by-catch provisions.

**STAFF**

**RECOMMENDATION:**

Staff recommends advertising for a March public hearing to amend Chapter 4 VAC 20-280-10 et seq. "Pertaining to Speckled Trout and Red Drum", to establish the annual recreational and commercial management measures for speckled trout.

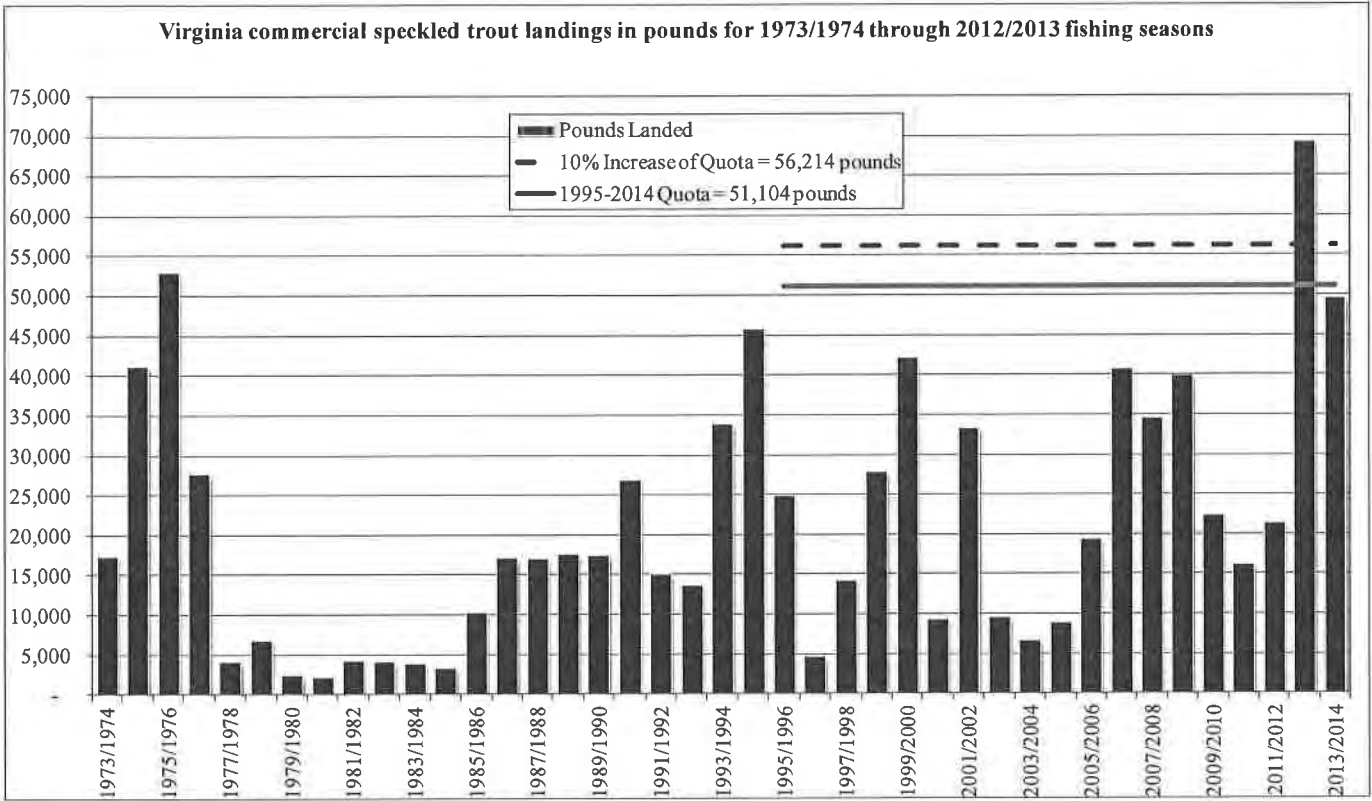


Figure 1. Virginia commercial speckled trout landings in pounds for 1973/1974 through 2012/2013 fishing seasons.

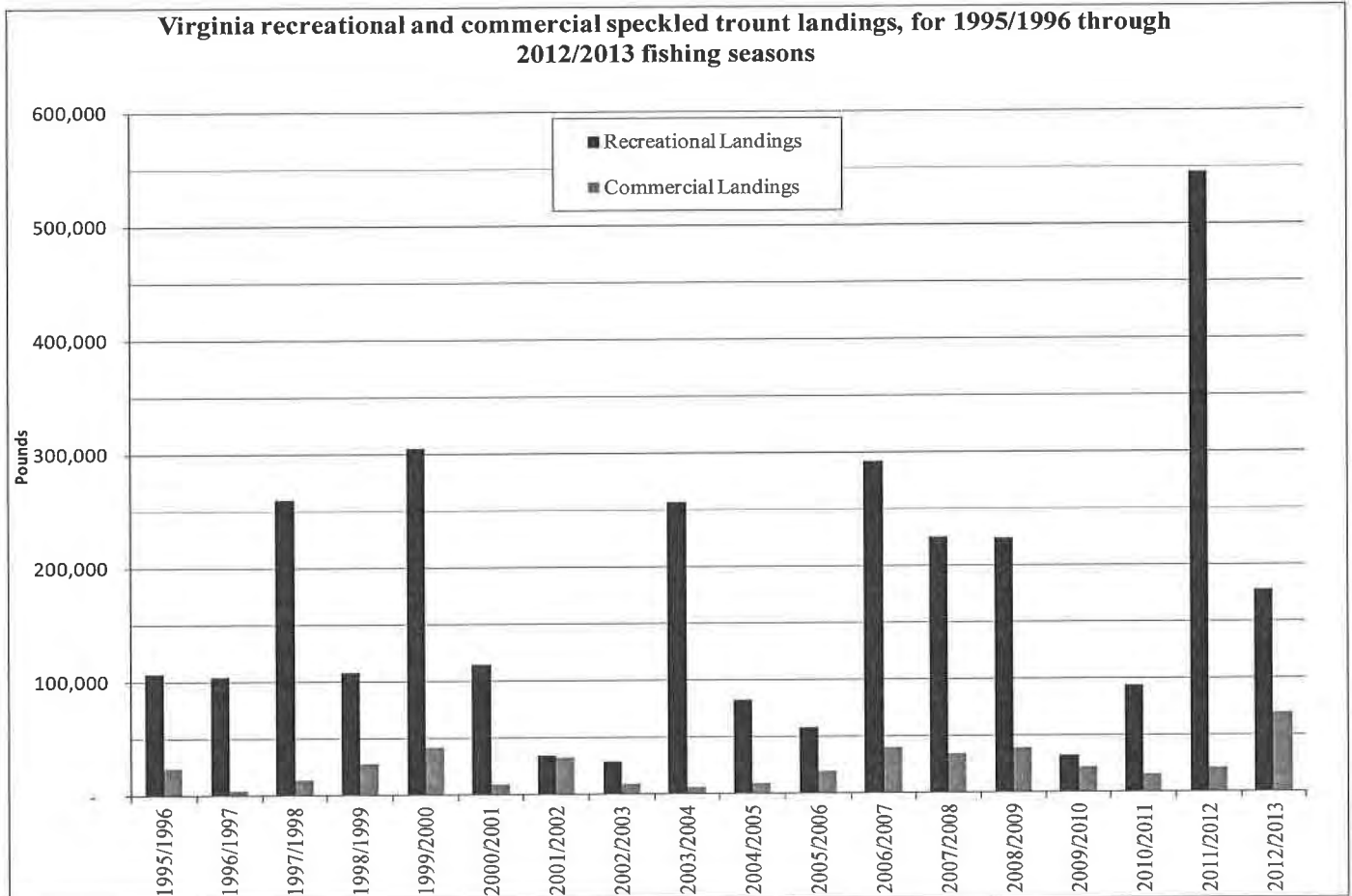


Figure 2. Virginia recreational and commercial speckled trout landings, for 1995/1996 through 2012/2013 fishing seasons

# NOTICE

The Virginia Marine Resources Commission invites public comment on the establishment of amendments to regulations, as proposed below. By February 9, 2015, the proposed draft regulations can be viewed at the Virginia Marine Resources Commission, 2600 Washington Avenue, Newport News, Virginia.

In accordance with Section 28.2-209 of the Code of Virginia, a public hearing on the proposed regulation will be held at 12:00 noon, on Tuesday, February 24, 2015, at the Virginia Marine Resources Commission, 2600 Washington Avenue, Newport News, Virginia. Public comments on the proposals should be provided to Robert L. O'Reilly, VMRC Fisheries Management Division, 2600 Washington Avenue, 3rd Floor, Newport News, Virginia 23607, by 12:00 p.m., Monday February 23, 2015.

---

## **Chapter 4 VAC 20-450-10 et seq., "Pertaining to the Taking of Bluefish".**

On January 27, 2015, the Virginia Marine Resources Commission adopted, under its emergency regulatory authority (Section 28.2-210 of the Code of Virginia), amendments to this chapter that established the annual commercial bluefish quota as 608,230 pounds.

These emergency amendments are proposed as parts of the final regulation. The purpose of the amendments is to comply with the Interstate Fishery Management Plan requirements for bluefish.

## **Chapter 4 VAC 20-270-10 et seq., "Pertaining to Crabbing".**

The Commission proposes to amend Chapter 4 VAC 20-270-10 et seq., to limit the use of fish pots by any individual who is an active crab pot or peeler pot fisherman. An active crab pot or peeler pot fisherman may be defined as an individual who has purchased their crab pot or peeler pot license or as an individual who has set crab pots or peeler pots. The Commission also proposes to amend the fish pot prohibition time period from March 11 through March 16 to March 12 through March 16.

The purpose of these amendments is to promote the welfare of the commercial blue crab industry.

## **Chapter 4 VAC 20-610-10 et seq., "Pertaining to Commercial Fishing and Mandatory Harvest Reporting".**

The Commission proposes to amend Chapter 4 VAC 20-610-10 et seq. to limit and specify the annual number of license agents permitted in the blue crab fishery. Currently the limit for the number of license agents permitted in the blue crab fishery is year-specific.

The purpose of these amendments is to promote the welfare of the commercial blue crab industry.

## **Chapter 4 VAC 20-620-10 et seq., "Pertaining to Summer Flounder".**

The Commission proposes to amend Chapter 4 VAC 20-620-10 et seq., to modify the start date for the directed landings period when summer flounder from federal waters may be landed in Virginia, and lower the landing limit for that period from 12,500 pounds to an amount not less than 7,500 pounds.

The purpose of these amendments is to promote efficiency in the utilization of the commercial summer flounder quota, while taking into account variations along the Atlantic coast in market potential.

\*\*\*\*\*

**VMRC DOES NOT DISCRIMINATE AGAINST INDIVIDUALS WITH DISABILITIES; THEREFORE, IF YOU ARE IN NEED OF REASONABLE ACCOMMODATIONS BECAUSE OF A DISABILITY, PLEASE ADVISE BETTY WARREN (757-247-2248) NO LATER THAN FIVE WORK DAYS TO THE MEETING DATE AND IDENTIFY YOUR NEEDS.**