

FISHERIES MANAGEMENT



The Virginia Marine Resources Commission (VMRC) has jurisdiction and control over the harvesting of marine fish, including shellfish that occur in the tidal waters within the State's boundaries and extend into the Atlantic Ocean three nautical miles. Under certain circumstances the VMRC exercises control over fish caught beyond the State's jurisdiction, if they are landed in Virginia. Authority to manage fisheries beyond 3 nautical miles and out to 200 nautical miles is vested with the federal government.

VIRGINIA FISHERY LAWS

Virginia's laws concerning marine fishing are found in Title 28.2 of the Code of Virginia. Laws are made and amended by the General Assembly and become effective usually after July 1, after signature by the Governor.

Proposed laws, or amendments to existing laws, may be introduced only by a member of the General Assembly. Citizens interested in creating, rescinding or amending laws relating to marine fisheries must do so through bills introduced into the General Assembly by state senators or delegates. Once a proposal is introduced as a bill, it is assigned to a committee of the House of Delegates or the Senate. The committee may hold hearings on the bill or consider it at one

of their regular meetings. These events may offer an opportunity for citizens to voice their opinions concerning the bill.

Written communication is another avenue for citizens to express their opinions about a bill. Letters, emails and facsimile transmissions should be addressed to a specific legislator, should reference a specific bill by its assigned number, and should be clear and concise in conveying the opinions and reasoning of the writers.

The Code of Virginia is found in most public libraries, and reprints of the portions of the Code dealing with marine resources can be obtained for a fee from the Marine Resources Commission. The number of reprints is limited. A list of State senators and delegates, including their committee assignments and office numbers, can be obtained at the State Capitol in Richmond or from the Internet at www.legis.state.va.us.



BLUEFISH

VIRGINIA FISHERY REGULATIONS

The VMRC manages marine fisheries within Virginia's jurisdiction, pursuant to the power granted to it by the General Assembly. This includes the power to establish licenses, prepare management plans, and adopt regulations concerning the harvest of marine fish.

Regulations have the full force and effect of law, and violations are criminal misdemeanors. The power of the Commission to adopt regulations is broad, but it may not adopt any regulation which is in conflict with statutory law.

The adoption or amendment of regulations follows a precise procedure set forth in the Code of Virginia. Proposed regulations must



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be advertised for a minimum of 15 days, and at least one public hearing must be held prior to adoption. Advertisements of public hearings are placed in daily newspapers in Richmond, Norfolk, and Newport News; often advertisements will appear in other newspapers in localities where a proposed regulation may have a significant impact.

Citizens may voice their opinions about proposed regulations in person at public hearings or by written correspondence addressed to the Commissioner of VMRC. Public hearings are held at the regularly scheduled meeting of the Virginia Marine Resources Commission at which a proposed regulation is scheduled for a vote. Additional public hearings may be scheduled in localities where a proposed regulation may have a significant impact. The Virginia Marine Resources Commission meets monthly, on the 4th Tuesday of each month at its main office in Newport News, and the meetings are open to the public.

The Marine Resources Commission uses several advisory committees in the formulation and review of regulatory actions. These committees are: the Finfish Management Advisory Committee, Crab Fisheries Management Advisory Committee, Clam Fisheries Management Advisory Committee, and Shellfish Fisheries Management Advisory Committee; the Recreational Fishing Advisory Board; and the Commercial Fishing Advisory Board. A list of the membership of these committees is available



on the Virginia Marine Resources Commission website www.mrc.virginia.gov.

Advisory committees are composed of citizens, appointed by the Commissioner of Marine Resources, who are knowledgeable and interested in various aspects of marine fisheries. Service on one of these committees is an excellent way to become involved in the fishery management process.

Regulations are deposited with the clerks of the circuit courts of all counties and cities in Tidewater Virginia, and copies can be obtained from the Registrar of Regulations at the Division of Legislative Services or from the Marine Resources Commission. The complete regulation index and summaries are posted as they become finalized at the Virginia Marine Resources Commission's website www.mrc.virginia.gov

POTOMAC RIVER REGULATIONS

Virginia and Maryland share fishery management authority in the Potomac River (excluding the tributaries) through the Potomac River Fisheries Commission. This Commission, which is composed of citizens from Virginia and Maryland appointed by their respective Governors, exercises complete control over marine fisheries, and its regulations have the full force and effect of law in the courts of both states.

Proposed regulations of the PRFC must be advertised in newspapers of general circulation in counties contiguous to the Potomac River in both states and sent to the clerks of court in those counties for posting. After advertising a proposed regulation, at least one public hearing must be held prior to adoption of the regulation. The PRFC holds meetings as required and announces its meetings in local newspapers. The meetings are always open to the public. Citizens may voice their opinions about proposed regulations in person at the public hearings or in writing to the Commission.

Copies of all current regulations and information about any scheduled meetings may be obtained from the Potomac River Fisheries Commission.

INTERSTATE FISHERIES MANAGEMENT

Many marine fish undertake extensive coastal migrations, passing through the waters of several states. Since the harvest of fish in one State can affect the conservation of the species and the harvest in other States, coordinated management of fish among all coastal states is desirable.

Interstate management of fish is accomplished through the Atlantic States Marine Fisheries Commission (ASMFC). This body was created by an interstate compact which joined all of the Atlantic coast states, the District of Columbia, the Potomac River Fisheries Commission and Pennsylvania together to develop coastwide fishery management plans. Each member State is represented by its chief marine fisheries officer, a member of its legislature, and a citizen appointed by its Governor.



The compact creating the ASMFC did not provide for the compliance or enforcement of the Commission's management initiatives. The Atlantic Striped Bass Conservation Act (1984) and the Atlantic Coastal Fisheries Cooperative Management Act (1993) provided for federal compliance sanctions for ASMFC management initiatives. States must comply with the management measures adopted by the ASMFC, or they can be ruled in noncompliance and subject to a federally imposed moratorium on the harvest of the species under management. Compliance involves adopting and providing for enforcement of the ASMFC management initiatives (size, possession, season or harvest quota; or trip limits) by State law or regulation.

ASMFC fishery management plans are developed through a specific process involving several committees composed of scientists, citizens and fishery managers. A management board, technical committee, plan development team, stock assessment committee, and citizen advisory committee are involved in formulating every management plan. Public input is solicited during the plan development phase and at least four public hearings are held at appropriate sites along the East coast on every proposed plan. Citizens wishing to voice an opinion about a specific management proposal may appear in person at a public hearing or provide written comments to the ASMFC. All meetings of the ASMFC, its Interstate Fisheries Management Board, and the management boards for all species are open to the public.

Prior to implementation of a fishery management plan, and periodically after plan implementation, the stock status of the species is reviewed by the stock assessment committee. Compliance with the plan is reviewed annually by the technical committee and the management board.

Information about Commission meetings and operating rules, or fisheries management plans, may be obtained from the Atlantic States Marine Fisheries Commission's website www.asfmc.org.



FEDERAL FISHERIES MANAGEMENT

Fishery management in Federal waters (waters 3-200 miles off the Atlantic coast) is exercised by the Secretary of Commerce through the National Marine Fisheries Service and Regional Fishery Management Councils. The Regional Fishery Management Councils develop fishery management plans, which become federal law when adopted by the Secretary.

The federal waters off the Virginia coast are under the jurisdiction of the Mid-Atlantic Fishery Management Council, although both the New England and South Atlantic Councils have plans which affect Virginia fishermen. The Mid-Atlantic Council is composed of persons representing the states of North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York and Northeast Regional Director of the National Marine Fisheries Service.



The development and adoption of fishery management plans follows a specific process, starting when the Council proposes to develop a plan and holds scoping hearings to determine what is known about the fishery and possible management options. The process continues with council meetings, public hearings, review by the Secretary of Commerce, publishing in the Federal Register for further public comment, and formal adoption (with or without modification) by the Secretary of Commerce. Monitoring committees review compliance with management

plans annually, and stock assessment review committees periodically review stock status.

Citizens may express their opinions about federal fishery management proposals in a variety of ways. Comments may be made in person at public hearings or at Council meetings. Written comments may be sent to the Mid-Atlantic Fishery Management Council or may be filed with the Secretary of Commerce during the comment period noted in the Federal Register.

The meetings of the Mid-Atlantic Council, and its various committees, are open to the public. Dates and locations of public hearings and meetings can be obtained from the Council. Copies of federal fishery management plans can be obtained from the Mid-Atlantic Council or the Northeast Regional Director of the National Marine Fisheries Service.

MARYLAND AND NORTH CAROLINA FISHERY REGULATIONS

North Carolina and Maryland control marine fisheries through laws and regulations. Fishermen should contact the fisheries agency for each state to obtain complete information on their respective laws, regulations and management processes.

ECONOMIC IMPACT OF RECREATIONAL FISHING

Fisheries management is a complex process involving much more than simply regulating harvest. By law, management plans must be fair and equitable, must use the best scientific data available, and must consider economic, social and ecological factors while achieving their primary conservation goals.

Recreational fisheries data has not been considered highly reliable in the past, but recent Marina Recreational Information Program (MRIP) efforts have made a significant difference. The MRIP will house all of the nation's non-commercial data collection. Currently NOAA fisheries, state, and national resources agencies and community partners are working together to revamp Saltwater angler surveys. MRIP will succeed the NOAA MRFSS with a few years, to better answer the questions: Who fishes? What's being caught? How many fish are caught? Where and when are the fish caught? In addition, a planned national saltwater angler registry will give NOAA a more definitive pool of survey participants for information about their fishing trips. Initially (2009) anglers who fish recreationally in federal ocean waters or who may catch anadromous species, such as striped bass, will need to sign up (name, address, telephone number, and the region where their fishing is conducted), at no cost until 2011. Beginning in 2011, an annual fee will be required, with anglers under 16, indigenous people, and those who fish only on licensed party, charter, or guide boats exempt from registry.



Saltwater recreational fishing license monies have made two significant contributions to our understanding of the economic impact of recreational fishing in Virginia: 1) bolstering the catch and effort surveys used in the Marine Recreational Fisheries Statistics Survey, and 2) producing two major reports of the economic impact of recreational fishing.

The first economic impact report (Kirkley, J.E. and D. Kerstetter. 1997. "Saltwater Angling and its Economic Importance to Virginia."), using 1994 and 1995 data, documented recreational fishing as a major industry for Virginia producing nearly one-half billion dollars in annual economic output and providing over 10,900 full-time jobs. This industry was the result of over 2.5 million fishing trips taken annually by over 555,000 saltwater fishermen. Approximately 36% of the anglers were out-of-state visitors. The single species producing the most economic output was striped bass – almost 95 million dollars annually. The second economic impact report (Kirkley, J.E., D. Kerstetter and J. Duberg. 2005. VIMS Marine Resource Report No. 2005-9) was completed in December 2005 and used 2004 data. The 2005 report indicated Virginia's saltwater recreational fishery generated \$823.7 million in sales or output and \$478.4 million in value added or income to the Commonwealth in 2004, supporting 9,092 full and part-time jobs.

Relative to conclusions presented in the 1994 recreational study, there were several differences in the conclusions of the 2005 study. In 1994, the major species or recreational fishery was the Gulf Stream fishery; in the 2005 study, anglers indicated no preferred or targeted species generated the largest economic impacts--\$185.3 million in sales or output, \$106.0 million in income, and 2,076 full and part-time jobs. Trips for which anglers identified spot and croaker



as being the primary target species generated the second highest level of economic activity--\$173.4 million in sales or output, \$102.0 million in income, and 1,920 full and part-time jobs. Rockfish or striped bass fishing generated the third highest level of economic impacts--\$168.2 million in sales or output, \$98.4 million in income, and 1,803 full and part-time jobs. In contrast, the recreational striped bass fishery in 1994 generated \$ 113.9 million sales or output (2005 constant dollar value), \$ 64.1 million in income, and 2,113 full and part-time jobs. Summer flounder generated the fourth highest level of economic impacts, according to the 2005 study, with \$154.9 million in sales or output, \$89.2 million in value-added, and 1,768 full and part-time jobs.

Both reports are available in their entirety from the Virginia Institute of Marine Science, P. O. Box 1346, Gloucester Point, VA 23062

SALTWATER FISHERMAN'S JOURNAL

The Virginia Marine Resources Commission wants to know about the saltwater fish you caught and if you threw it back or took it home for dinner. How big was it? What species was it? Where did you catch it? This self-reported catch-and-release information will be posted on-line, giving the recreational angler a broader picture of what everyone else is catching – and where.

The Fisherman's Journal is a tool intended to benefit the individual angler, the fishing community, and fishery managers. It allows individual anglers to keep an easy-to-retrieve record of their successful fishing experiences. It allows the fishing community to share and learn about other anglers' successes.

Finally, it benefits fishery managers by allowing them to assess fish populations by analyzing data provided by you, the recreational fisherman.

You will be able to report catch-and-release ranges, in addition to individual fish kept or released. On those days that you catch-and-release 50 bluefish, you can just report the number caught and a range of lengths. Reporting individual measurements on more highly prized species – such as Red Drum, Striped Bass and Flounder – provides a greater benefit for everyone.

Anglers also may report their fishing trip information, including general location, time of day, weather and water conditions and type of gear and bait used. This information could be extremely valuable to other anglers to give them an idea of what is caught, where it is caught, and what bait is working on what species.

This self-reporting program will help anglers to become more successful and will provide fishery managers with important anecdotal information on recreational catches. The voluntary on-line reporting system is called the "Saltwater Fisherman's Journal," and is found at www.vasaltwaterjournal.com.

THE MARINE SPORTFISH COLLECTION PROJECT

Attention saltwater anglers, you catch it, you fillet it, but instead of throwing the remains in the trash, please donate them to science. The Marine Sportfish Collection Project is seeking the carcasses of fish species that are difficult to collect through normal fish sampling efforts.

Anglers are asked to donate their filleted carcasses (head and tail intact) of legal and fresh-caught Cobia, Sheepshead, Red Drum, Black Drum, Tautog, King Mackerel, Spanish Mackerel Tilefish, Grouper and Bluefish over 16 pounds or 36 inches. Scientists want to study the length, age, and sex of the fish. Other species may be added over time.

The information gleaned from your carcasses will help the Virginia Marine Resources Commission assess the health of these fish populations without collecting large numbers of live fish to study. As a direct result of your help, this project will leave more fish out there for you to catch next time.

Freezers for the remains are located at popular bait and tackle shops throughout Tidewater. So before you clean your fish at the dock please check to see if there is a Marine Sportfish Collection Project freezer nearby, follow the instructions provided and fill out the paperwork. In return for donating your fresh-caught and intact fish carcass to science, VMRC will provide a free hat or a tee-shirt that sports a fish skeleton around the state agency's logo.



To locate a project donation site, or obtain information about the previous year's donations, go to: http://mrc.virginia.gov/rec_assessment/index.shtm



MANAGEMENT AGENCIES

Virginia Marine Resources Commission
2600 Washington Ave., Third Floor
Newport News, VA 23607
Phone: (757) 247-2200

Virginia Division of Legislative Services
General Assembly Building
910 Capitol Street, Second Floor
Richmond, VA 23219
(804) 786-3591

Atlantic States Marine Fisheries Commission
1444 Eye Street, NW, Sixth Floor
Washington, DC 20005
(202) 289-6400

Potomac River Fisheries Commission
P.O. Box 9
222 Taylor Street
Colonial Beach, VA 22443
(804) 224-7148 or (800) 266-3904

**Mid-Atlantic Regional Fishery
Management Council**
300 South New Street
Room 2115, Freear Federal Building
Dover, DE 19904
(302) 674-2331 or (877) 446-2362

**Northeast Regional Director
National Marine Fisheries Service**
One Blackburn Drive
Gloucester, MA 01930
(978) 281-9300

Maryland Department of Natural Resources
Tidewater Administration
Tawes State Office Building
Annapolis, MD 21401
(410) 260-8100

**North Carolina Department of Natural
Resources & Community Development**
Division of Marine Fisheries
P.O. Box 769
Morehead City, NC 28557
(252) 726-7021 or (800) 682-2632

**Virginia Department of Game and
Inland Fisheries**
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