

Virginia Marine Resources Commission
Finfish Management Advisory Committee (FMAC)
380 Fenwick Road, Fort Monroe, VA
Thursday, January 11, 2024

ATTENDANCE

Members Present

- Jeff Deem
- Alex Aspinwall
- Will Bransom
- John Bello
- Mike Lightfoot
- Scott MacDonald
- Alex Perez
- Tom Powers
- Chris Ludford
- George Trice
- Ernest Bowden (virtual)
- Skip Feller (virtual)
- Mark Sanford (virtual)
- Marcus Simes (virtual)
- Pat Geer
- Shanna Madsen
- Joe Grist (virtual)
- Alexa Galván
- Lewis Gillingham
- Brooke Lowman
- Joshua McGilly
- Jill Ramsey
- Somers Smott
- Captain Brandon Sterling
- First Sergeant Allen Marshall

Others Present

- Susanna Musik
- Joe Russo
- Scott Burke
- John Balderson
- Buddy Carson
- Danny Bowden
- Margaret Whitmore (DWR)
- Clint Morgeson (DWR)

Members Absent

- Meade Amory

VMRC Staff Present

Minutes prepared by Somers Smott.

I. FMAC Announcements

Chairman Jeff Deem called the meeting to order at 5:00pm. Deputy Chief Shanna Madsen opened the meeting with an overview of the agenda and a review of the meeting process.

II. Approval of minutes from the January 25, 2023 meeting

The January 25, 2023 meeting minutes were approved by consensus.

III. Recreational and commercial striped bass options for the Bay and Ocean

Mr. Josh McGilly presented striped bass reduction options in Draft Addendum II to Amendment 7 to the Interstate Fishery Management Plan for Atlantic Striped Bass through the Atlantic States Marine Fisheries Commission (ASMFC). The 2019 Benchmark Stock Assessment found the stock to be overfished and experiencing overfishing and 2021-2022 measures were implemented to begin rebuilding the stock by 2029. The 2022 Stock Assessment Update found the stock is still overfished but no longer experiencing overfishing based on 2021 MRIP data. Newest projections using 2022 data indicate a low probability of rebuilding by 2029 if the high 2022 fishing mortality rate continues.

The high fishing mortality rate was driven by an increase in recreational removals. Recreational harvest increased by 88% and recreational live releases increased by 3% relative to 2021. The large increase in ocean recreational harvest was likely due to availability of the strong 2015 year class. Commercial harvest in pounds was similar between 2021 and 2022. Due to concerns with recreational removals and rebuilding required by 2029, Draft Addendum II was initiated to address these concerns and support stock rebuilding. The emergency action taken by the ASMFC Striped Bass Board (Board) in October will keep the 31" maximum size for recreational fisheries until October 28, 2024 or until Addendum II is implemented.

The required reduction for the striped bass fishery coastwide is 14.5% from 2022 removals. Each sector (commercial and recreational) could take a 14.5% reduction, but if the recreational sector were accountable for the full reduction then they need to take a 16.1% reduction. Mr. McGilly then discussed the reduction options, beginning with the recreational ocean fishery options, followed by the recreational bay fishery options, and finally the commercial options. There is also a section in the Addendum II about how the Board reacts to the possibility the stock is not rebuilt by 2029.

The committee began the discussion by asking clarifying questions and making general comments. Mr. John Bello mentioned another part of the Addendum II – fileting at sea. Mr. McGilly said this was not an issue for Virginia because there are restrictions for that in regulation. Chairman Jeff Deem asked what the stock size target is for striped bass. Deputy Chief Madsen responded, saying the Board was considering revisiting the stock target to make sure it was attainable. Mr. Tom Powers wondered what the recreational harvest looked like in Virginia specifically vs. the entire coast, and expressed concern that Virginia's recreational fishery has not seen the same increase. Mr. Michael Lightfoot clarified that a combination of both recreational areas plus commercial reductions would make up the total reduction. He also wondered about what measures other states were taking. Staff clarified that there were no longer any options for conservation equivalency coastwide – all states must adhere to one of the listed options. Mr. Lightfoot expressed concern about how Virginia has to take additional cuts when other states didn't previously due to conservation equivalency. Mr. Will Bransom expressed his dislike for any of the mode split options (charter and private angler split). He also asked about implementing a maximum size in commercial striped bass fisheries. He is concerned about the possibility of catching a 40-inch fish in 7-inch mesh size gillnet. Deputy Chief Madsen said the

Technical Committee (TC) attempted to look at implementing a maximum size in the commercial sector, but it was too difficult to suss out the reductions coming from that change. The TC asked the Board about this issue and the Board agreed that a quota change would be sufficient. Mr. Bello reminded the committee that the options before them were the only options – this is not the time to suggest new things. Mr. Chris Ludford asked how the commercial harvest has changed since the original cuts were taken in 2017. This answer should reflect just how much of a reduction commercial should take now. Staff worked quickly to provide the commercial harvest difference between 2017 and 2022, which was about 92,000 pounds. Mr. Mark Sanford asked how commercial overages are dealt with, and staff explained the payback process. Mr. Ernie Bowden agreed with other committee members saying that the other states are at fault for this recreational increase and it's not fair that Virginia has to take additional reductions.

The committee then did an option-by-option vote. The first was the recreational ocean fishery options. The majority vote was for Option B, a size limit of 28" – 31" in all modes, and a 1 fish bag limit with the 2022 seasons. The next vote was for the recreational bay fishery. This vote was split, with 5 members voting for Option B3, a size limit of 19" – 25" in all modes, and a 1 fish bag limit with the 2022 seasons. One member voted for Option B1, a size limit of 19" – 23" in all modes, and a 1 fish bag limit with the 2022 seasons. The majority vote option was Option B2 with 6 members voting for it. This option has a size limit of 19" – 24" in all modes, and a 1 fish bag limit with the 2022 seasons. The next vote was for the commercial fishery reductions. A majority of the committee members (8 members) voted for Option A, the commercial fishery would take no further reductions. Four members voted for Option B, the commercial fishery would take a reduction of somewhere between 0.1 and 14.5%. The final vote was on the Board's response to assessments. A majority of the committee members (7 members) voted for Option A, the current process of the Board initiating an Addendum/Amendment to change measures. Option B had 5 votes, which allows the Board to change management measures by motion at the Board meeting.

After voting, the committee took public comment. Danny Bowden, a commercial striped bass fisherman, expressed concern about Virginia taking cuts when Virginia isn't at fault for the issues. He also discussed concern over illegal striped bass fishing in Virginia. Mr. Bransom assured Mr. Danny Bowden that the VMRC Commission takes striped bass violations very seriously.

IV. Virginia's February Black Seabass Season

Ms. Alexa Galván presented information on the optional February black seabass season. She showed harvest over the past four seasons, and how 2023 had more harvest than any season in the past. Because this season was so successful, the required payback during the summer was more days than normal, and some fisherman did not think the February season was worth it. Ms. Galván then went over a public opinion poll completed with three options: Yes, I would like the

season to be open in February with a season closure of unknown length later in the year; yes, I would like the season to be open in February but only open weekends (Friday to Sunday) to limit harvest and harvest payback; and no, I would rather have more days open during the regular season. A total of 420 people responded to the survey, with 50.2% people responding yes and 49.8% responding no to the February season. Ms. Galván then went over the timeline going forward if there was a season or not, including when paybacks would be calculated and when options would be voted on at Commission. The regular 2024 recreational black sea bass season without any paybacks would be May 15-July 15 and July 27-Dec 31. Mr. Powers asked clarifying questions on how the harvest payback was calculated. Chairman Deem wondered if anyone on the committee was interested in the February fishery, and a few members said yes, so the conversation continued. Mr. Bransom was in favor of the February season, with changes to the payback taken during the summer. He would like to see more options of reductions in the summer, including options that are spread out instead of all at once. Mr. Powers wondered if more trips are taken in the summer vs. February – citing that if closing 15 days in summer impacts 5x more anglers, then the season may not be worth it. Mr. Skip Feller expressed his disapproval for the February season, saying it has gotten out of hand with the amount of payback required during the summer. Mr. Bransom agreed that last year was the perfect storm – great weather created a 28-day season. He believes if there were more options to payback over time vs. all at once it wouldn't be as bad in the summer. Mr. Alex Aspinwall agreed that its easy to get the limit in February but much harder in the summer, which means the payback tends to be more impactful. Mr. Ludford asked how the public interest poll was distributed, Ms. Galván said it was sent out to FMAC, put on the VMRC website, and put on the VMRC's Facebook page. Mr. Ludford was concerned about how a lack of a February season would impact people hiring headboats to go fish for black seabass who otherwise would not be able to, and Ms. Galván agreed by saying 55-70% of the trips in February are charter trips.

The committee then asked for public comment and went to a vote. No one had any public comments, so Mr. Bransom made a motion to recommend a February season with 3 Saturday/Sundays open as well as a three-day holiday weekend including Monday, meaning the season would only be open for 9 days in February. Mr. Lightfoot seconded, but the motion failed with only 3 votes. Instead of taking another motion, the committee decided to do a vote yes or no. One member voted yes to a February season, and 9 members voted against the February season.

V. Reduction Options for 2024-2025 Recreational Summer Flounder Fishery

Ms. Galván presented information on the recreational summer flounder fishery and specifications for 2024-2025. The 2023 stock assessment found the stock is not overfished but overfishing is occurring. The coastwide recreational harvest limit (RHL) decreased 40% from 2023. ASMFC and the Mid-Atlantic Fisheries Management Council voted to require a reduction of 28%. Since Virginia is in a region with Maryland and Delaware, all three states must come to an agreement for the reduction measures. Ms. Galvan presented several options that would

achieve the 28% reduction and asked for FMAC's input. There will also be a joint public hearing for the southern region on February 1— those details will be sent to FMAC once they are set. The reduction measures would come before the Commission in April.

The committee began discussion by expressing concern for the options put before them. Mr. Powers asked if the season could go April through November instead of May through December – Mr. Ludford agreed. Most of the Eastern Shore summer flounder fishery occurs in the spring and losing that would be detrimental. The committee also asked if the year-round option could swap bag limits, as in a 4 fish bag limit in the beginning of the year and a 2 fish bag limit at the end. The committee agreed to have staff check a season start of March 15 or April 1, and the flipped bag limit for the year-round season.

VI. Commercial Blue Catfish Regulations

Mr. Lightfoot opened the conversation by discussing how successful electrofishing for catfish has been in Virginia. He believes there are a lot more catfish to be caught, but the 3 electrofishing watermen are restricted by the maximum size in the regulation. He understands that freshwater charter captains want to protect the larger trophy fish and would be amenable to a demarcation line in the James River. Mr. Lightfoot is concerned about the impacts of these fish on other species and mentions it doesn't make sense to protect the large spawning females if we want to reduce those impacts. He wants there to be no restrictions in the Rappahannock, Mattaponi, and Pamunkey Rivers. Ms. Galván presented VMRC data on catfish harvest, showing the highest percent of harvest comes from hoop net/fish pots at 36%, while electrofishing harvest is 12%. She also explained that VMRC defers to the Department of Wildlife Resources (DWR) for catfish regulations (outside of electrofishing) as they have jurisdiction over aquatic species. DWR regulations have a maximum size limit of one blue catfish a day longer than 32 inches in the James, York, and Rappahannock Rivers. Mr. Bransom brought up that the Virginia Department of Health has an advisory for the James River to not eat any catfish more than 32 inches, but otherwise the advisory is not to eat catfish more than 2x a month. He also asked why there had to be an electrofishing season – the salinity and temperature will drive that without having a set season. Mr. Powers offered that there could be a demarcation line north of Turkey Island and expressed concern about the big catfish eating more important species when they are bigger. Mr. Sanford asked what size catfish the market is asking for. Ms. Galván answered saying processors prefer a 3-8 pound fish for filets, which is close to a 25-inch fish. The 8-pound fish may be a longer fish so it's something to look at for future management. Mr. George Trice clarified that the processors pay \$0.50 for any fish more than 3 pounds, and \$0.25 for any fish less than 3 pounds, but they will take them at any size. Mr. Sanford asked if it would be possible to permit more than 3 people for electrofishing and Ms. Galván said it is being looked into. Mr. Sanford asked about the disaster relief funding for blue catfish in Maryland, but was informed that they did apply but the request was denied.

Ms. Margaret Whitmore, a Tidal Rivers Fisheries Biologist from DWR, spoke about the catfish fishery as it pertains to DWR. The blue catfish recreational industry nets about \$70

million annually in economic input for Virginia indirectly. Area closures are not just for the trophy charter industry, they are also a safety issue since bass boats can turn corners quickly and may come upon an electrofishing operation unknowingly. She also explained how proportionally there is a greater impact on the ecosystem from catfish populations in the medium size ranges because there are so many more of them. The large catfish do produce more eggs but there aren't as many of them – so it's important to keep targeting the medium sized fish. She also spoke about some preliminary tracking data on blue catfish that showed the largest fish do not move down river, while medium and small fish are more commonly seen down river near the brackish water. Those medium and small fish are then exposed to commercially managed species like blue crabs, so again, it's important to keep targeting them. This tracking study will continue over a 10-year period, and Ms. Whitmore is hopeful about the results. Mr. Scott MacDonald asked Ms. Whitmore if she would be in favor of a size limit increase in commercial electrofishing, and she said she would have to discuss it with her supervisor. She did inform the committee that the electrofishing fishery has contributed to the decline in abundance of these fish that has been occurring over the past 10 years. She cautioned against collapsing the fishery because of the trophy fishery and because of the electrofishing success. Mr. Powers expressed concern about the bigger catfish diets vs. the smaller catfish diets, and Ms. Whitmore explained that the bigger fish switch to piscivory around 20 inches, and those size classes are not moving too far downstream. Ms. Whitmore hopes that as the study moves forward the results will continue to show that pattern. Mr. Powers asked for a distribution of the sizes of blue catfish to see the impact of harvesting the 26" to 32" fish. Mr. Trice agreed that that would be a big help if it could change to that. He also said the season is fine and doesn't need to be adjusted. Mr. Powers asked if the blue catfish has reached the equilibrium point in the ecosystem, and Ms. Whitmore agrees that it peaked in the early 2010s and has been declining since. She also said that catfish are remarkably good at competing so if the fishery were to collapse, it would show in each of the size classes as well – this would impact the ability to fish for them commercially. Mr. Lightfoot confirmed that DWR's research focused in the James River, and mentioned that the fishery is much different in different areas such as the Potomac River. He thinks the market is just as good for the 20-pound fish as well. He also said that safety is addressed by not letting the electroshocking occur on weekends. Mr. Sanford wondered how far up and down the rivers the catfish are traveling and how they could be impacting blue crabs and other fisheries.

Mr. Lightfoot made a motion to eliminate all size and season restrictions on blue catfish for electroshocking, and if there was pushback from the charter industry, to make a demarcation line in the James River. Chief of Fisheries Pat Geer cut in to say that VMRC would not support anything above a 32-inch maximum size because of the health advisory. Mr. Lightfoot adjusted his motion to eliminate all blue catfish size (except one fish per fisherman over 32 inches) and season restrictions for electrofishing. If there is pushback from the charter industry, the motion recommends creating a line of demarcation in the James River below which those measures would be effective, and to have no restrictions in any other Virginia waters. There were 11 votes in support of the motion.

VII. Public comment for items not on agenda

There were no additional public comments for items not on the agenda.

VIII. Adjourn

The meeting was adjourned at 7:35 P.M.

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