

**Virginia Marine Resources Commission**  
**Finfish Management Advisory Committee (FMAC) Meeting**  
2600 Washington Avenue, Newport News, VA  
VMRC Commission Room, Fourth Floor  
Monday, July 22, 2013, 6:00 p.m.

**ATTENDANCE**

Members Present

Jeff Deem (Chairman)  
Robert Weagley  
Ernest Bowden  
Glenn Wayne France  
Jack Austin  
Tom Powers  
Scott MacDonald  
Rick Lockhart  
Walter Rogers  
David Agee for Dr. Ken Neill  
Beth Synowiec

VMRC Staff

Robert O'Reilly  
Joe Grist  
Joe Cimino  
Lewis Gillingham  
Renée Hoover  
Stephanie Iverson  
Sally Roman  
Allison Watts

Members Absent

Wynston Holbrook  
Russell Gaskins  
Andy Hall  
Skip Feller

Others Present

Floyd Gibbs  
Beverly Gibbs  
Frank Kearney  
Bob Allen  
Ken Neill  
Skip Weagley  
Joe Blanchard

A quorum was present with 11 members in attendance. Minutes were recorded by Sally Roman.

**I. Introductions; Announcements**

Mr. Deem called the meeting to order at 6:07 pm.

**II. Approval of minutes from March 25, 2013 meeting**

Motion to accept the minutes from the last meeting was approved by consent.

**III. Consideration of additional criteria to limit participation in the commercial spiny dogfish fishery**

Mr. Cimino presented information on spiny dogfish limited entry criteria to address an issue raised at earlier Committee meetings of allowing transfers of permits in the fishery. Mr. Cimino presented data on the landings of spiny dogfish by certain thresholds and the number of trips landing spiny dogfish for several seasons.

A discussion of further limiting the number of permits occurred between Committee members and staff. Mr. Cimino commented that nine individuals active in the fishery did not want to see any further cuts in the number of permits. Mr. Austin asked if the primary reason for a further reduction in the number of permittees was to allow for an extension of the fishing season and a group of individuals to continue to work. Mr. MacDonald described that the goal of further limiting the number of participants is to stretch the winter season out for full time spiny dogfish fishermen to make a living.

A discussion of allowing transfers took place after Mr. Bowden made a suggestion on how transfers could be allowed in the fishery without cutting any other permittees out of the fishery. Mr. Bowden's suggestion was to allow transfers based on some type of landings threshold between active watermen, since this would prevent an inactive permit from becoming active through a transfer. Mr. Deem offered another suggestion that an individual would only be allowed to transfer the amount of landings from the previous year. Mr. Bowden thought Mr. Deem's suggestion would be too burdensome on staff. Mr. Powers asked if transfers would be based on landings in the two year periods presented by Mr. Cimino or would future seasons be considered. Mr. Powers also talked about allowing multiple people to transfer to one individual to reduce effort, by allowing two permits with low landings history to be able to meet the potential required threshold for one new transferee. Ms. Synowiec supported Mr. Bowden's transfer idea. There was a discussion among Committee members regarding if transfers could be done multiple times for one permit. Mr. Powers felt this would be similar to allowing agenting or creating a leasing type system closer to the striped bass ITQ. Ms. Synowiec made a suggestion about having time period required between transfers. Mr. Grist gave an example of the commercial hook-and-line transfer requirements, and discussed Mr. Bowden's transfer suggestion.

Mr. Gibbs made a public comment about allowing transfers of permits. He asked why transfers are not an option for this fishery. Why would only some permittees be able to transfer and not others. He stated that he has a son who he would like to see have his permit some day. Mr. Gibbs noted the individuals who were not active are already removed, so allowing any one with a current permit to transfer does not risk turning an inactive permit into an active permit. Several Committee members addressed Mr. Gibbs' concerns.

Mr. O'Reilly discussed comments of the Commission regarding their interest in reducing latent effort in this fishery. He noted that staff could provide some options to reduce the number of permits, and asked the Committee to provide more direction to staff at the next meeting to create a straw man proposal for reducing effort and the possibility of allowing transfers. Mr. O'Reilly stated that staff would identify the number of trips taken by unique harvesters for the next meeting.

Mr. Deem stated that a straw man proposal could be developed by the Committee. He also stated that there should be some discussion of the different types of transfers that could occur in the fishery.

Mr. Blanchard made a public comment about a waiting list as an option to decrease the number of permits in the fishery compared to allowing transfers, selling of or eliminating permits.

Mr. Powers had several questions for staff. He requested that staff develop a full time fishermen definition in a similar manner as to what was completed for the blue crab fishery, as well as scenarios for the ultimate reduction in permits including retiring permits with retiring watermen. He also asked, will the potential regulations being created allow people to get back into the fishery to sell the permit in the future.

Mr. Bowden suggested that allowing transferability of permits would allow for new entrants and that permits could be retired with individuals.

**IV. Requirements established by ASMFC regarding smooth dogfish**

Mr. Gillingham discussed an ASMFC addendum pertaining to the smooth dogfish fishery. A request for a public hearing will be addressed at the October Commission meeting, followed by the development of regulations that will be established for 2014. The ASMFC allocated individual state quotas with Virginia receiving 34% of the coastal quota. The 2014 quota has not been established. Monitoring requirements mandated by the ASMFC should already exist with reporting requirements in place in Virginia. Landings will be allowed year round. A threshold fin to carcass ratio will need to be established.

**V. Update: Fisheries violations in terms of sanctions**

Dr. Hoover gave an overview of the status of developing a set of criteria for violations in terms of sanctions. Information was presented to the Law Enforcement Subcommittee over the course of several meetings. A Law Enforcement Subcommittee report is being developed and will be presented at the August Commission meeting.

Mr. O'Reilly gave an update on the overview of the striped bass weight-based quota system, and possible changes that may occur for tag allocation for the coastal gill net fishery.

Mr. Deem asked if the report will be available before the August Commission meeting. Mr. Powers asked if the Law Enforcement report will be posted online after the August Commission meeting, and if the Commission will receive the report in their packets before the meeting. Mr. O'Reilly responded yes to posting the report online, but was unsure if the report will be provided in the Commission members' packets prior to the August meeting and that the report will likely not be available before the meeting.

**VI. Update: Quota tracking for the non-purse seine menhaden bait sector**

Mr. Cimino gave a brief presentation on how the menhaden quota is tracked and how gear-specific closures occur.

Mr. Powers had a comment about Virginia code regarding improper reporting of menhaden catch and the seizure of a watermen's gear if this occurs.

Mr. Rogers asked a question about how the bycatch possession limit of 6,000 pounds is factored into the state-wide quota. Mr. O'Reilly stated that the bycatch does not count against the quota.

**VII. Spot and Atlantic Croaker – added to agenda at beginning of meeting**

Mr. Grist gave the Committee an overview of the spot and Atlantic croaker fisheries (commercial and recreational) and management. He also gave a preview of future events at ASMFC.

Mr. France asked about data for breeding information. Mr. O'Reilly stated that this type of information is limited.

**VIII. New Business**

Mr. Deem asked about recreational catches of summer flounder. Staff indicated that MRIP data is not available yet. Anecdotally, catches have been down.

Mr. Weagley asked about individual states' ability to decrease the minimum landing size to 12 inches for red drum, and pointed out that this was discussed at ASFMC. Mr. O'Reilly was not aware of this. Mr. France asked if there was scientific analysis to show puppy drum are affecting the juvenile blue crab population. Mr. O'Reilly stated that there is no current data for this region, but past VIMS studies in seagrass beds showed this predation.

Mr. MacDonald asked about horseshoe crabs and pound nets on the eastern shore. He stated that many pound nets are less than 1,000 feet from mean low water and some pound netters have horseshoe crab permits but would not be able to legally harvest unless the regulation was changed. Mr. MacDonald asked if staff could look at the regulations for this fishery in this area. Mr. O'Reilly stated that the regulation was part of the Chesapeake Bay plan and jurisdiction, and that staff will look into how many nets fall into this jurisdiction.

Regarding the information presented on the striped bass fishery, Mr. Weagley commented that mesh size used is not reported on mandatory harvest. He suggested two fishermen fishing in the same area can have very different average weights if they fish different sized mesh.

Mr. O'Reilly commented that the Committee would like to discuss spiny dogfish and striped bass at the next meeting.

**IX. Next Meeting Date**

No specific date was set, but a meeting will occur in September.

**X. Adjournment**

Meeting was adjourned at 8:25 pm.