

Virginia Marine Resources Commission
Finfish Management Advisory Committee (FMAC)
380 Fenwick Road, Fort Monroe, VA
VMRC Commission Room,
Monday, March 9, 2020 – 6:00 P.M.

ATTENDANCE

Members Present

Jeff Deem
Honorable Dr. Ken Neil
John Bello
Ernest Bowden
Dr. P. Milton Cook
Skip Feller
Michael Lightfoot
Scott MacDonald
Tom Powers
Ed Sarfan
Bob Sinclair
Robert Weagley

Members Absent

Honorable James Minor
Meade Amory

VMRC Staff Present

Pat Geer
Adam Kenyon
Shanna Madsen
Lewis Gillingham
Alexa Kretsch
Somers Smott
Jennifer Farmer
Olivia Phillips
Ellen Bolen

Others Present

Stan Gold
Theresa Vaughan
Mike Avery
Jerry Hughes
Butch Eason
Steve Wray
Jay Ford
Alex Aspinwall

Minutes were prepared by Alexa Kretsch

I. FMAC Announcements – J. Deem

Chairman Jeff Deem called the meeting of the Finfish Management Advisory Committee to order at 6:02pm.

II. Approval of minutes from the November 25 meeting – J. Deem

Approval of the minutes from the November 25, 2019 meeting was postponed until the committee has more time to review them.

III. New Business:

A. Future of FMAC (S. Madsen)

Ms. Shanna Madsen, Deputy Chief of Fisheries, described ways VMRC is seeking to increase FMAC and public engagement, including social media outreach, email updates on relevant topics to the committee, and occasionally holding meetings by conference call to lessen the travel burden. Mr. John Bello asked that the committee be provided with a synopsis of Robert's Rules

of Order. Mr. Jerry Hughes, recreational fisherman, asked that a public comment item be added to agendas. Deputy Chief Madsen explained that several committee members had asked for an earlier start time and asked the committee to advise the VMRC on what time works best for everyone. Mr. Tom Powers said any time earlier than 6 PM could prevent people with 9-5 jobs from attending. Mr. Ernest Bowden said traffic would be worse getting to earlier meetings. All commission members and several audience members agreed that 6 PM is the best start time. Deputy Chief Madsen also proposed setting a regular recurring meeting date that committee members can schedule around and any previously scheduled meetings not needed could be canceled. She recommended the second week of the month. Mr. Bello said the second Tuesday would not work for him, but believes scheduling ahead and canceling unneeded meetings would be best. Several committee members agreed. Deputy Chief Madsen said a poll would be sent to committee members to determine the best day.

B. FMAC Bylaw Adoption (S. Madsen)

Deputy Chief Madsen explained that all VMRC advisory committees are setting bylaws which lay out commonly understood practices for the committees. The bylaws introduce two year terms, after which members can re-apply and a yearly cap of three unexcused absences. Mr. Scott MacDonald asked what defines an unexcused absence. Deputy Chief Madsen said VMRC just asks that staff be informed in advance if a member cannot attend. **Mr. Bello made a motion to approve FMAC bylaws. The motion passed unanimously.**

C. Update from ASMFC (P. Geer)

Mr. Pat Geer, Chief of Fisheries, updated the committee on results of the February ASMFC meeting, including approval of VMRC's striped bass conservation equivalency plan, which was put into regulation in 2019. Chief Geer also told the committee that the Virginia General Assembly has approved a bill moving management of menhaden to the VMRC and it is awaiting the Governor's signature. VMRC will adopt new menhaden regulations in April.

A new cobia stock assessment shows that while the species is not overfished, the spawning stock biomass is low. Chief Geer explained that the new MRIP numbers were used to establish a new coastwide quota, which will require future recreational regulation changes. However, recreational regulations should not change in Virginia in 2020. Atlantic croaker has exceeded its three-year trigger and spot may also exceed its two-year trigger in 2020, meaning new restrictions will be necessary. ASMFC has approved a 50 fish recreational bag limit for both species. Mr. Powers said several other members on the ASMFC Advisory Panel for spot and croaker have expressed concern with the effect of the 50 fish bag limit on charter captains who use them for bait. Chief Geer said there will be an allowance for charter boats to possess as many possession limits as they have customers. Mr. Powers asked why a charter captain is treated differently than someone catching fish for personal use. Chief Geer replied that Virginia will have the option to enact stricter regulations. Mr. Bowden, a member of the VMRC's Spot and Croaker Working Group, reminded the committee that the working group had discussed using a count size (ie. how many fish in a pound). He also asked if staff can quantify how many fishermen will be affected by the bag limit. Chief Geer said 1-2% of recreational trips in the last ten years were below 50 fish. Several members of the committee felt that ten years was too long a timespan and asked to see other options for reference years. Chief Geer said spot and croaker

would come before the committee again as a main item for discussion and that there will be another meeting of the Spot and Croaker Working Group.

D. Cobia Compliance

i. Recreational Reporting (S. Smott)

Ms. Somers Smott, Fisheries Management staff member, updated the committee on mandatory reporting in the recreational cobia fishery. The reporting rate has improved over time, but was still only 67% in 2019. 2019 was the first year where any permittee who did not report by the deadline is ineligible for a permit in the following year. Over 2600 cobia anglers are ineligible for permits in 2020 for this reason. Mr. Mike Avery, Virginia Saltwater Sportfishing Association, asked if angler ineligibility can be considered a savings to reduce landings in 2020. Ms. Smott said that since only the captain or operator of a vessel needs the permit, they can still fish on someone else's boat. Mr. Jerry Hughes, recreational fisherman, proposed making all anglers have a permit. Ms. Smott said that could provide better effort data, but led to double reporting when previously in effect. Mr. Bowden said since commercial fishermen are limited to one two-fish possession limit, recreational vessels should also be limited to one possession limit. Dr. Ken Neill clarified that the recreational possession limit is one fish per person with a vessel maximum of 3, while the commercial limit is up to two cobia per commercial card holder with a vessel limit of six. Mr. Bob Sinclair recommended that when people purchase a saltwater fishing license, they be asked if they would like to sign up for a cobia permit as well. Ms. Smott said DGIF sells those licenses and it would be up to them.

ii. Commercial Quota Tracking (O. Phillips)

Ms. Olivia Phillips, Fisheries Management staff member, informed the committee that Amendment 1 to the Cobia Fishery Management Plan brought cobia management under ASMFC from the South Atlantic Fishery Management Council and requires weekly monitoring of commercial cobia landings. Virginia commercial fishermen will be required to report cobia landings online weekly to provide VMRC and ASMFC with the most up-to-date data. When the landings approach a trigger, ASMFC will announce a closure, and Virginia will be required to close the commercial cobia fishery in state waters. In the past, VMRC closed the season a month late because of the Commission's regulatory process, but proposed regulation changes would allow the season to be closed administratively.

E. Little Creek/Fort Story Restricted Areas (A. Kenyon)

Mr. Adam Kenyon, Deputy Chief of Fisheries Management, presented maps of the proposed Little Creek/Fort Story restricted areas. The US Navy requested VMRC support public safety concerns and national security naval training by limiting fishing activity within the critical areas identified by the US Navy. These activities are impeding national security training operations, entangling naval personnel, damaging naval vehicles, as well as creating a public safety issue. Three areas are proposed to be closed to all fishing activity and one area (small arms firing range) is proposed to remain open to hook-and-line fishing on weekends only.

Mr. MacDonald says a lot of gill nets set in the small arms firing range in fall for spot and asked if gill nets could be allowed if tended. Closing the area to all gill netting would harm the spot fishery. Mr. Bowden agreed. Mr. Bowden and Mr. Powers are also concerned about public safety with vessels transiting through the small arms firing range and with the range being so close to the Chesapeake Bay Bridge Tunnel. Mr. MacDonald proposed a meeting between the fishing industry and the Navy to discuss the restricted areas.

Mr. Bello made a motion: **“FMAC strongly recommended the commission not approve Little Creek/Fort Story restriction. The committee considers the restrictions unnecessary and burdensome for both commercial and recreational fishing. The committee believes additional study in economic impacts should be considered before any action is taken.”** Mr. Deem suggested a friendly amendment to add concerns about public safety. Mr. Bello agreed. **The motion passed 10-0-2.**

The committee discussed having a representative present at the March commission meeting to present the committee’s motion and concerns. Mr. Stan Gold, charter captain, said it is wrong for VMRC to place more strict regulations than those already in the Federal Register. The current code bans pound nets and stake structures and approaching naval vessels in these areas. Mr. Gold believes the Navy should update the Code of Federal Regulations to include more gears if they want that changed. Mr. Powers wants this item postponed from the March VMRC meeting and public notice placed in local papers. Mr. Steve Wray, charter captain, said he fishes in the proposed restricted areas and he rarely sees naval activity.

IV. Other Business

A. Recreational Black Sea Bass Options (A. Kretsch)

Ms. Alexa Kretsch, Fisheries Management staff member, said results of the February recreational black sea bass fishery are very limited as the reporting rate is just over 30%. She proposed convening a conference call in April when more reports have come in for the committee to recommend a season closure. A Facebook poll would collect public feedback. Mr. Skip Feller said the May 15 opening and June 1 closure in 2019 worked well and he recommends the same in 2020. Chief Geer reminded the committee that since many charter boats have not reported, the closure could be more than 21 days needed in 2019.

Mr. Powers made a motion to close the recreational black sea bass fishery on June 1 for however many days are deemed necessary to account for February landings and reconvening would not be necessary.

Mr. Ed Sarfan asked what the worst case scenario would be, in terms of numbers of days closed, and asked if it was a 45 day closure, is the committee in favor of closing June 1 for the whole 45 days. Mr. Sinclair suggested waiting until staff has more information on how many days will need to be closed. Mr. Bowden said most of the charter captains he spoke with last year were most concerned about not being closed in July.

Mr. Powers amended his motion to propose a conference call if the closure needs to last more than 30 days. The motion passed 11-0-1.

B. Public Comment

Mr. Hughes expressed his appreciation for the work that went into the General Assembly transferring menhaden management to the VMRC. Mr. MacDonald asked about starting a bycatch allowance for speckled trout. Chief Geer said staff is working on it. Mr. Avery asked about the trophy striped bass tagging program discussed in 2019. Chief Geer said that staff is working on a bonus striped bass program.

V. Adjournment

The meeting was adjourned at 8:27 pm by Mr. Jeff Deem.