

**Virginia Marine Resources Commission  
Finfish Management Advisory Committee (FMAC) Meeting**

2600 Washington Avenue, Newport News, VA  
VMRC Commission Room, Fourth Floor  
Monday, January 24, 2011, 6:00 p.m.

**ATTENDANCE**

Members Present

Hon. Ernest Bowden, Jr.  
Russell Gaskins  
Wynston D. Holbrook  
Wayne France  
Dr. Ken Neill, III  
Robert Weagley  
Tom Powers  
Chris Vaughan  
Jeff Deem  
Scott MacDonald

Others Present

Lionel Jenkins  
David Agee  
Frank Rearney  
Leslie Parr  
Sheldon Arey  
Bob Allen  
G.G. Grays Jr.  
Barbara Bowden  
Jon Lucy

Members Absent

Pete Nixon  
Walter N. Rogers  
Andy Hall

VMRC Staff

Jack Travelstead  
Robert O'Reilly  
Joe Grist  
Joe Cimino  
Stephanie Iverson  
Justine Woodward  
Allison Watts  
Sonya Davis  
Lewis Gillingham

A quorum was present with 9 members in attendance.

Minutes recorded by Justine R. Woodward.

**SUMMARY**

**I. Introductions; Announcements**

Chairman Bowden called the meeting to order at 6:06 p.m.

## **II. Approval of minutes from November 15, 2010 meeting**

The minutes of the November meeting were approved by unanimous consent. Lewis Gillingham suggested a correction be made to section III(b) regarding summer flounder restricted endorsement license provisions and 14-inch size limit issue. Mr. Gillingham stated that the recreational summer flounder discard rate is high, and the CHL fishery discard rate is much lower because smaller fish can be kept relative to the recreational fishery. If the summer flounder size limit increased for the CHL fishery, a higher discard rate would be expected.

## **III. Old Business**

There was no old business to review.

## **IV. New Business**

### **a. Recreational and Commercial 2011 Striped Bass Quota**

Allison Watts discussed the Bay-wide striped bass quota which is divided among the jurisdictions of Maryland, Virginia, and the Potomac River Fisheries Commission. The 2011 Bay-wide quota is 8.8 million pounds. Virginia's quota is divided equally between the commercial and recreational fisheries, and translates to 1.43 million pounds per fishery for 2011. The Bay-wide quota is calculated annually using the Maryland Department of Natural Resources Harvest Control model which accounts for striped bass harvest levels, fishing and natural mortality rates, and juvenile abundance data. These parameters are used to calculate exploitable stock biomass, or ESB. Below-average index values derived from juvenile abundance data directly contribute to the decline in ESB. Quota decline is directly driven by decline in ESB. The 2011 Bay-wide quota of 8.8 million pounds is 7% lower than 2010. Previously, the quota decreased 6.3% from 2009 to 2010.

Mr. Powers indicated that the recreational harvest since 2006 (when slot limits took effect in the Bay and gas prices started to increase) has been under quota, and considerably under quota for the past two years.

Chairman Bowden stated that if any adjustments are required to the regulation, they would take effect during the fall fishery and not now.

Mr. O'Reilly stressed the importance of the information regarding the juvenile abundance indices. Virginia has experienced average numbers for the past 5 or 6 years, whereas Maryland averages have been sub-par during the same time. The Maryland average is typically not as high as VA's.

### **b. Commercial flounder 2011 management proposals**

Mr. Grist indicated that a public hearing will be held at the Commission meeting on Tuesday, January 25, 2011 concerning the directed offshore summer flounder fishery. In concert with industry, annual adjustments are typically made to the directed offshore fishery to promote the best market value for Virginia (vs. the other states) as well as to control the fishery. This fishery operates in a directed and bycatch fashion. The offshore fishery represents 90% of all

commercial landings of summer flounder in the state of Virginia. The inshore allocation of 300,000 pounds has not been met in a number of years, and the rest of the quota is allocated offshore. In 2011, Virginia gains a 35% increase in recreational quota. As of right now, the directed fishery will open February 28, 2011 with a quota of 2.4 million pounds. The fishery will operate for up to a two-month period. Currently, the directed offshore fishery operates on a 12-day cycle. A maximum of 7,500 pounds can be landed by vessels holding a summer flounder endorsement license (SFEL) during the first 12 days. If quota remains at the end of the 12 days, then the season will be opened for up to 12 additional days and another 7,500 pounds can be brought in by each vessel. This process continues until approximately 70% of the overall commercial quota has been reached. The industry has put forth two requests for the public hearing. Chesapeake Bay Packing requests an opening date of February 24, 2011 with a trip limit of 17,500 pounds every 14 days. Industry has some concerns with this due to the large amount of summer flounder being landed at one time. Amory's, Chincoteague Fisheries, Old Point Packing, and Peabody's would like to see the directed offshore summer flounder fishery open one week later. However, this is subject to change because these same individuals may also request an increase in the trip limit due to rising gas prices, thus, it is possible that a trip limit of 10,000 pounds may be introduced tomorrow during public comment.

Mr. Deem inquired about the number of 12-day periods that occur (depending on quota).

Mr. Grist commented that due to low quotas over the last few years, barely one landing period has occurred. Due to an increase in quota, the 2010 spring fishery remained open for 36 straight days. The second period in December remained open from Monday, November 29 through December 31, 2010. We did not go over quota in 2010.

Mr. Deem asked for clarification on the trip limits.

Mr. Grist clarified that a vessel can land a total of 7,500 pounds during one trip, or as a combination of two trips, during a 12-day period.

Chairman Bowden commented that he did not feel that the committee needed to make a recommendation at this time; however, he felt that 17,500 pounds would be very difficult to manage due to the large quantity of summer flounder being landed at one time.

### **(c) Recreational flounder update**

Mr. O'Reilly discussed the opportunity for Virginia to "liberalize," or enact regulations to allow Virginia to increase recreational landings of summer flounder in 2011 compared to 2010. Since 1998, Virginia has not decreased the size limit on summer flounder by more than ½ of an inch. Five options have been approved by the ASMFC Technical Committee.

There is a statistically significant relationship between the directed summer flounder trips and landings. Directed trips are defined as trips during which summer flounder are directly targeted, or summer flounder are harvested. Catch, which includes harvest plus discards, is a better

measure than harvest alone. Since 2007, catch has decreased approximately 1,000,000 pounds. In 2009 and 2010, total catch was 700,000 pounds less than the previous year.

Mr. Holbrook asked if 2010 fishing license sales are available.

Sonya Davis commented that we may have what was sold in 2010.

Mr. O'Reilly commented that the sales are on a 12-month period which is a different time frame than on a yearly basis.

Mr. Powers asked if a big drop in recreational license funds has occurred.

Sonya Davis commented that a dramatic drop has not occurred.

Mr. O'Reilly commented that in 2010, all states with recreational quota were under quota. Virginia has the third highest quota. Thus, Virginia was third lowest in the amount of increase available to the state in 2011.

Mr. Powers asked for clarification on the percentage of increase that Virginia can have.

Mr. O'Reilly commented that Virginia could have an increase of 108.7% relative to last year. Length data is used to estimate the number of fish greater than a certain length. The results are used to estimate projected summer flounder landings for the following year. The data sources include:

- (1) Virginia volunteer angler survey ~ approximately 355 lengths collected. This survey has been used for three years to date.
- (2) Maryland volunteer angler survey ~ typically 6,000-7,000 lengths. However, most measurements have been obtained from seaside areas, so lengths may not be representative of the Bay fishery
- (3) Chesapeake Bay Multi-Species Monitoring and Assessment Survey (ChesMMAP) – Bay-wide fishery-independent survey conducted by the Virginia Institute of Marine Science
- (4) Northeast Area Monitoring and Assessment Program (NEAMAP) – coastal fishery-independent survey that samples twice per year, once in the spring, and once in the fall

The target quota for 2011 is 570,000 pounds.

The ASMFC technical committee stated that the 17-inch and 4 fish creel limit was the highest-risk option, followed by the 17-inch and 3 fish creel limit. No options were turned down by the ASMFC technical committee. Mr. O'Reilly also discussed the options that other states are considering.

Mr. Powers asked if the quota were to be exceeded this year, is there a payback?

Mr. O'Reilly confirmed that there is a payback in 2012.

Mr. Powers commented that this provides more support for not risking exceeding the quota. Mr. Powers does not support 17-inch size limit, but he does support a 4 fish creel limit.

Chairman Bowden commented that the charter boat captain he spoke with on the Eastern Shore thought that a 17 ½-inch size limit and a 4 fish creel limit would be acceptable.

Mr. O'Reilly stated that the stock will be declared recovered in 2012 according to stock assessment committee members, and Congress has indicated that it must be recovered by Jan. 1, 2013.

Mr. O'Reilly confirmed that the larger the fish the fewer the fish it will take to reach the quota. So, if the size limit is decreased, there will be more fish, proportionally.

Mr. Weagley commented that a lot of the watermen he has spoken to would prefer to see a two fish creel limit with a 15-inch or 16-inch size limit.

Mr. O'Reilly commented that this would not work because the projected landings of summer flounder would be well over target as indicated by projections from the 17-inch size limit and 3 fish creel limit option. Once the stock is restored, the management agencies may be able to consider other management approaches. Mr. O'Reilly commented that the discard rate is currently 94%. The ad-hoc committee and the recreational angling community do not want a closed season.

Mr. Powers asked for clarification on the "number of fish" cap for next year. The average size of fish caught this year coastwide is used to calculate the number of fish available next year. So if we were to decrease the size limit to a 15-inch fish and catch the same weight overall, we could still exceed the quota because the number of fish is what is being targeted for this fishery.

Mr. O'Reilly commented that the average weight is at least 3.3 pounds. For the time being, staff is still in discussion over which option will be recommended. Staff will be making their decision by February.

#### *Public Comment*

Mr. Robert Allen, a recreational fisherman, would like to see the committee make a recommendation for the 17 ½-inch and 4 fish creel limit option.

#### *End Public Comment*

For the 2011 recreational season, the committee agreed by consensus to recommend a 17 ½-inch and a 4 fish creel limit for summer flounder.

#### **(d) Speckled Trout request by the Tidewater Anglers Club**

Over the last year, the Tidewater Anglers Club has gathered documented support from the recreational fishing community in support of a reduction in the possession limit of speckled trout to 5 fish, only one of which can be greater than 24 inches from December 1 – March 31. This would apply only to recreational fishermen. Speckled trout are regulated by a South Atlantic Management Plan. The minimum size limit was established at 12 inches with no possession limit, but almost all of the states have opted to enact more stringent regulations than what the plan actually requires. There is precedent by the Commission to adopt more stringent regulations than mandated by the management plan particularly when the group primarily impacted is the one asking for it. Previous recreational examples of this include cobia, sheepshead, and speckled trout. Speckled trout are a renewable resource for the state of Virginia. More citation speckled trout are caught and registered during the proposed closed period than any other time during the year. The following clubs endorse the proposed speckled trout regulations from the Tidewater Anglers Club:

Tidewater Anglers Club  
The Virginia Anglers Club  
Peninsula Salt Water Sport Fisherman's Association  
Eastern Shore Virginia Angler's Club (ESVAAC)  
Great Bridge Fishermans Association

The Virginia Beach Anglers Club is in support of the proposed limitations as long as the conservation efforts are also extended to the commercial anglers.

The Norfolk Anglers Club does not endorse the recommended changes proposed by the Tidewater Anglers Club.

Mr. Sheldon Arey, on behalf of the Tidewater Anglers Club, described the proposal for self-regulation of the speckled trout recreational fishery to reduce the current 10-fish limit to 5 fish, and to include a slot limit such that only one fish greater than 24 inches is retained during the time period of December 1 – March 31. For the remainder of the year, the limitations would return to the 10-fish limit with no slot limit. The request is for a recommendation from the FMAC committee to go forward to the Commission to consider the aforementioned proposal.

Mr. Deem asked how large of an area does the hot ditch cover?

Mr. Arey stated that the area is defined by the wind and the tide. The actual area that most people concentrate their fishing efforts in has a circumference of approximately 1.5 miles from the entrance of the hot ditch in the Elizabeth River. In Rudee Inlet, this area includes Lake Rudee in the spring, and the York River area is smaller. It is a relatively small, concentrated area.

Mr. Holbrook asked if there are any data that suggest this will improve anything.

Mr. Arey stated that there is currently no management plan, so it is unknown what the current health and welfare of the population is.

Dr. Neill stated that North Carolina just recently reduced catch quotas for both recreational and commercial fisheries, and with the winter kill both fisheries have been shut down. They are very concerned about the speckled trout population overall. This year there was a good spawn, but a lot of the smaller fish are dying in the winter kill. This proposal has been well advertised, and there is overwhelming support from the recreational fishing community for a reduction to the recreational fishery only. It is not a commercial issue.

Chairman Bowden commented that he feels comfortable making a recommendation on this issue only in regard to the recreational fishery. He does not feel comfortable making a recommendation regarding the commercial fishery.

Mr. Arey stated that they are asking for a recommendation for the proposal as stated which only affects the recreational fishery.

Mr. Powers stated that he believes this constitutes an emergency regulation because of the loss of speckled trout in North Carolina due to the freeze. He believes that spawning fish need to be protected. Mr. Powers supports the proposal, and believes it is worth doing now.

Mr. Deem made a motion to support the proposed recommendation on an emergency basis and that the committee ask for public hearings for limiting the commercial fishery in the future. This motion was not seconded.

Mr. Travelstead stated that this will not be on the Commissions agenda for tomorrow, and it would not be supported by staff as an emergency.

Mr. Powers made a motion to ask the Commission for a public hearing in March for the speckled trout recreational issue only which means it would be on the agenda in February. Changes would become effective December 1, 2011.

The motion was seconded by Dr. Neill.

Seven members were in favor of the motion, and two members were opposed.

## **V. Next Meeting Date**

The date and time of the next meeting was not determined.

## **VI. Adjournment**

The meeting was adjourned at 7:52pm.