

**VIRGINIA MARINE RESOURCES COMMISSION**

**FINFISH ADVISORY COMMITTEE MEETING**

**VMRC CONFERENCE ROOM**

March 15, 2004

**MEMBERS PRESENT**

Jeff Deem  
Robert Weagley  
Wynston Holbrook  
Ken Neill  
Hon. William Laine, Jr.  
Douglas Jenkins  
Tom Powers  
Sam Swift

**MEMBERS ABSENT**

Lyell Jett  
Chris Vaughan  
Peter Nixon  
James Kellum  
Hon. Gordon Birkett  
Hon. Russell Garrison

**VMRC STAFF**

Rob O'Reilly  
Ben Major  
Stephanie Iverson  
Lewis Gillingham

**I. Introductions, Announcements**

Rob O'Reilly called the meeting to order at 7:05 P.M. Mr. O'Reilly stated Mr. Birkett and Mr. Garrison had telephoned to indicate they would be unable to attend.

**II. Approval of the minutes from the February 10, 2004 meeting**

Robert Weagley requested two modifications regarding his comments concerning the tagging and quota monitoring of large striped bass caught inside the Chesapeake Bay. Mr. Laine was not listed as present or absent (he was absent) at the February 10 meeting. The minutes were approved subject to the aforementioned modifications.

**III. Old Business**

**A. Haul Seine/SAV Issue --Dr. Robert Orth**

Bob Orth provided the FMAC with a brief review/overview of this issue, using data from 1989 through 2003 and aided by a Power Point presentation. Dr. Orth emphasized the value of existing grasses for their ability to recycle nutrients, stabilize bottom sediments and provide critical habitat for many important species. For the time series, the lower York River, Poquoson Flats and

Tangier/Smith island areas showed the most extensive scarring, but the visible scarring (aerial photographs) had decreased in 2002 and 2003.

To learn more about colonization of propeller scars, Dr. Orth monitored actual scars in comparison to nearby control areas (grass plots without scarring). Re-colonization began the year after the scar was made, and most scars disappeared from aerial view by their third year. Dr. Orth also determined that control areas (non-scarred plots) maintained a higher "shoot density" (i.e. root density) but were very dynamic (species composition, etc.), despite the lack of scar trauma.

Dr. Orth reviewed the options presented to FMAC (prior to the analysis of the 2002 and 2003 data) last year. Dr. Orth reminded the FMAC his study was designed to answer whether the grass beds were being damaged, and if so, what should be done? The options presented to FMAC and the Commission last year included: closure of heavily scarred areas; modify fishing practices; close a small portion of a heavily scarred area for several years; and continue to monitor. From the results of the 2002 and 2003 data which showed a marked decrease in the intensity of scars in formally heavily scarred areas, Dr. Orth would recommend continued monitoring and the voluntary modification of haul seine fishing practices.

Doug Jenkins asked Dr. Orth, "what prompted you to do this study in the first place?" Dr. Orth responded the Commission had requested this work, and he would make this presentation to the Commission on March 23, 2004.

Jeff Deem asked the status of gear research with haul seine fishermen. From the audience, Chris Hager (VIMS, Ph.D. candidate) stated his work the past two years had focused on comparing hydraulic means versus a propeller driven boat to pull haul seine nets in grass beds. The results suggest that for a few thousand dollars most haul seine rigs could be outfitted with a hydraulic mechanism to pull the seine and this method resulted in no damage of the grass beds.

## **B. Selection of Preferred Alternative--2004 Summer Flounder Regulation**

Rob O'Reilly distributed an eight-page handout with tables and data pertaining to the recreational Summer Flounder Fishery. Virginia anglers were 34.3% under their allowable catch in 2003, and, for this reason, restrictions on this fishery could be eased in 2004. Table 14 listed six options that had been approved by the ASMFC Technical Committee for Virginia. Mr. O'Reilly stated that two different reference points were used to calculate these options. First, the standard, prior year's data (2003 in this case) was used. However, due to significant weather events in 2003 (record rainfall and below normal temperatures in the spring, followed by Hurricane Isabel in mid-September), staff was not comfortable using this reference period of landing. For this reason, a second reference period was calculated using average 2002 and 2003 data. The ASMFC Technical Committee had endorsed both procedures. Mr. O'Reilly pointed out that other states, which

were under target for 2003, were proposing options that were "very cautious" and did not utilize all the "credit" the 2003 data would allow.

Mr. O'Reilly, referring generously to the eight-page handout, attempted to explain the complexities involved in extrapolating outcomes (how many summer flounder would actually be harvested) based upon several different combinations of open season, size limit and possession limit. Mr. O'Reilly stated staff will recommend using averaged, 2002 and 2003 data to the Commission but wants the FMAC to arrive at their own independent recommendation concerning the data, size limit and possession limit.

Tom Powers asked if the ASMFC had considered using a three-year running average to calculate each state's catch. Mr. O'Reilly responded, "no, but I don't know why."

Tom Powers asked if a hybrid of the approved ASMFC options was possible, specifically, Mr. Powers suggested a 5 or 6 fish limit, a 16-1/2-inch minimum size plus an eight-day closure in the summer. Mr. O'Reilly determined this combination would satisfy the ASMFC.

Ken Neill stated he was concerned that using anything less than the averaged 2002 and 2003 data was a risky option.

Jeff Deem suggested setting a season with a 16-1/2-inch size limit and closely monitor harvest through the season. If it was clear Virginia was going over target then modify the regulation in season.

A member of the audience asked, "what is the probability of going over target if only 2003 data was used to set the limits?" Mr. O'Reilly stated it was certainly higher than if pooled data was used. "What can't be accurately predicted is weather, where the fish are or how many trips will be taken," stated O'Reilly.

From the audience, Ernest Bowden proposed a 16-1/2 inch minimum size, eight days of summer-closed season and a six-fish possession limit.

From the audience, Susan Parker stated she was prepared to give up more days of closed season for a smaller flounder limit. A smaller (16-1/2 inches) flounder was vital to the Eastern Shore seaside economies.

From the audience, Jim Hayden stated most of the southside fishing clubs favor no closed season but were willing to modify the size and/or bag limit instead. Mr. Hayden indicated closed periods were of particular hardships for tackle shops.

Ken Neill relayed the same message from Peninsula tackle shops, marinas and charter boats, "it just kills them."

Doug Jenkins stated upriver areas "don't have any 17-inch flounder," and suggested a 16-inch minimum size limit with one week closed in the spring and another week closed during the summer.

William Laine reminded the FMAC that the 17-inch, 8-fish option "makes target" using either means to calculate the savings (just 2003 or averaged 2002 and 2003).

A representative from the Chincoteague Charter Boat Association supported the option suggested by Mr. Powers and Mr. Bowden, and felt this combination of season, size and closed summer period provided a good middle ground for a compromise.

Jeff Deem believed there would be less effort this year for flounder (due to high gas prices and lower size limits in Maryland and North Carolina) and felt the regulatory burden should be balanced throughout the state.

**Mr. Deem made the following motion (seconded by Sam Swift):**

**Recommend the Commission adopt a 16-1/2 inch minimum, five-fish limit and a summer closure from 23 July through 30 July (eight days). The motion passed seven votes in favor and one opposed.**

#### **IV. New Business**

##### **A. Striped Bass**

Rob O'Reilly informed the FMAC the preliminary recreational landings of striped bass for 2003 in the Bay would likely exceed the quota (1.7 million pounds) by 500 to 600,000 pounds. The NMFS still must finalize the amount of striped bass caught in the ocean (which would not count against the Bay quota) but "I know we're going to be over but I'm not sure how much." Likewise, Maryland's recreational fishery is projected to exceed its quota. The baywide quota (which includes both recreational and commercial landings from VA, MD and PRFC) should mitigate some of the overage in the Virginia and Maryland recreational fisheries. Once the figures are finalized this item will be presented to FMAC.

Jeff Deem suggested that both flounder and striped bass numbers "must be off" if so many are being caught. Mr. Deem asked that FMAC be given the opportunity to discuss this topic "fully."

Doug Jenkins asked if the FMAC could make a recommendation regarding the grass bed/haul seine issue.

Robert Weagley stated the regulations passed last year by the Commission governing the operation of haul seines on grass beds should be given a chance to work. Mr. Weagley did not feel any additional changes were warranted at this

time, especially after the scarring update provided by Dr. Orth. The FMAC generally seemed to support Mr. Weagley, as long as the beds would continue to be monitored.

Tom Powers spoke and wanted to make it clear to the Commission that some members of the FMAC were opposed to "just monitoring" the grass beds the next several years. Mr. Powers felt more needed to be done to improve the health of heavily scarred areas.

**V. Next Meeting Date**

The date and time for the next meeting was not discussed.

**VI. Adjournment**

Rob O'Reilly adjourned the meeting at 8:30 P.M.