

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

2600 Washington Avenue, Newport News, VA
VMRC Commission Room, Fourth Floor
Monday, August 22, 2011, 6:00 p.m.

ATTENDANCE

Members Present

Jeff Deem (Chairman)
David Agee for Dr. Ken Neill
Ernest Bowden
Glenn Wayne France
Russell Gaskins
Andy Hall
Wynston Holbrook
Scott MacDonald
Tom Powers
Walter Rogers
Robert Weagley

Members Absent

Hon. William E. Laine Jr.
Percy Blackburn
Chris Vaughan

VMRC Staff

Jack Travelstead
Robert O'Reilly
Joe Grist
Joe Cimino
Sonya Davis
Lewis Gillingham
Renee Hoover
Stephanie Iverson
Adam Kenyon
Allison Watts

Others Present

G.G. Crump
Douglas Jenkins
Frank Kearney
Chris Ludford
Ashlee MacDonald

A quorum was present with 11 members in attendance.

Minutes recorded by Adam B. Kenyon.

SUMMARY

I. Introductions; Announcements

Chairman Deem called the meeting to order at 6:02 p.m.

II. Approval of minutes from January 24th, 2011 meeting

Mr. MacDonald noted that he was present at the last meeting, however, not on the minutes. The minutes were updated to show the change. The minutes of the January meeting were approved by unanimous consent.

III. Old Business

There was no old business to review.

IV. New Business

a. Review of ASMFC Tautog Management Measures

Mr. Cimino gave an update to the committee on Addendum VI Tautog Fisheries Management Plan (FMP). Addendum VI was initiated to achieve a 53% cut in exploitation of tautog. According to the addendum fishing mortality (F) has been above the target since 2005, and the Spawning Stock Biomass (SSB) has been below the target and threshold. This stock is considered overfished, and overfishing is occurring. The new addendum lowers the F rate from 0.2 to 0.15, which hopes to increase the SSB. Even if we are able to hit this target the model shows we will not be above the threshold for SSB until 2025.

Addendum VI requires each state to have regulations in place by January 1, 2012. Proposals from states were reviewed by the management board at the August meeting, and procedures were agreed on, but no implementation plans were approved. For the recreational fishery Virginia proposed different season closures and size limits. A commercial fishery option would be lessening the quota by 53% based on the average 2008 through 2009 landings. The recreational options were developed by a Recreational Ad Hoc Committee which helped draft recreational seasonal closures. There were no preferred options, and staff was not looking for an endorsement from this committee at this point. The commercial ad hoc committee agreed that we needed to get there somehow but did not endorse an option either. The commercial fishery is already closed for six months, and if they stay at the current 14-inch size limit, they could go over target in first month of fishing.

Mr. Powers noted that the recreational fishery was under quota last month, and he was frustrated that the fishery was not harvesting as much as allowed and still have to take cut. He felt that the Marine Recreational Fishing Statistical Survey (MRFSS) is a bad estimate for tautog.

Mr. Deem asked if there was anywhere on the coast where tautog were doing well. Mr. Cimino said it is a coast-wide assessment; however VMRC does not believe it is a coast wide stock. It is a data challenged species with no independent indices south of New Jersey. Massachusetts and Rhode Island contribute the bulk of the data, and they use that to manage their harvest and could justify not taking further cuts. Virginia's catch curve shows we would need only a 20% reduction to reach target. This was not accepted at the August board meeting, but was not shot down either. Instead it was asked that more research be done on the analysis and be presented to the management board in September.

The ASMFC committee also asked staff to look into lumping the Virginia analysis with Maryland to see if it could be managed together as a regional assessment. Maryland's assessment also shows that they are very close to their target so putting the two together would not hurt Virginia.

Mr. Deem asked if we were under quota last year, what were our landings last year, and what our new target is next year. Mr. Cimino replied that tautog was not a quota managed species so there is no target. When this addendum was a Public Information Document (PID) they presented a table that showed how states were doing based on 2008 landings and Virginia was doing well at about 40% under target. This new assessment is looking at average landings from 2008 through 2009 that has to be cut by 53%. Virginia put new regulations in place in 2008, and in 2010 average landings has begun to go back up. This would put us above target since 2007, but that is not being looked at.

Mr. Ludford came forward to give public comments. Mr. Ludford commended staff on the informative meetings. He said it was painful for the recreational fishery because they implemented changes in 2007, and with no new regulation, there was a jump in 2010 landings. This assessment is based on surveys done in the northern states, and Virginia fish are not north-south migrants and should not be managed by ASMFC. He stated that unfortunately Virginia's cut is coming from a number that is not accurate because it does not include all the federal landings. Mr. Ludford asked everyone to look at this as a case study of where commercial and recreational fisheries are going. He maintains that Virginia is being affected by numbers that come from five states away and that these changes are going to relocate Virginia fishermen into other fisheries. Mr. Ludford supported a raise in size limit which would help us keep fishing.

Mr. Holbrook asked what numbers the assessment is basing the reduction on, and if they are considering 2010 numbers. Mr. Cimino responded that VMRC is waiting on the NMFS data to be finalized for 2010. However the 2010 spike will not be taken into consideration because the updated stock assessment used a cut-off date for data through 2009.

Mr. Ludford commented that there may not be a large spike in the commercial landings because a lot of people have gotten out of fishery because of the limitation of the black sea bass fishery where tautog was caught a by-catch.

Mr. Deem asked if there was a stock assessment or study coming up to identify whether Virginia tautog is a separate stock or not from the rest of the coast. Mr. O'Reilly replied that it is delayed. Mr. Cimino agreed and said that there is no date set for that assessment because it is a data challenged species. If there are no data from Delaware south, then new surveys need to be done. To start new surveys now would mean that you wouldn't have useable data for ten years even if you can find funding. Virginia needs to find a way to use the data we have.

Mr. Deem asked if the stock assessment was conducted by ASMFC. Mr. Cimino replied yes.

Mr. Deem asked if there were a stock assessment done, would ASMFC look to see if there is an individual stock in Virginia, or one stock up and down the coast. Mr. Cimino said it's difficult to say what a stock is; however, Virginia does have tagging data that show its tautog exhibit movement between inshore and offshore waters, and they are not necessarily moving to other regions.

Mr. Powers asked if we had effort data to match this catch curve for Virginia and if the 505 number is an increase in Catch-per-unit-effort (CPUE), or does it mean it's an increase in directed trips. Mr. Cimino said there was a graph in the proposal that addressed this.

Mr. Powers made a motion that staff seeks the funding from recreational funds to improve Virginia's model so they can be used as a basis for these reductions. No vote was made on this motion.

Mr. Deem asked if VMRC could get advice from the Technical Committee (TC) on what data was needed to improve the model and then go to the recreational fishing fund. Mr. Travelstead added that Massachusetts, Maryland, New York, and New Jersey attempted catch curves. The TC was impressed with what Virginia did and wanted other states to follow our model. Mr. Travelstead wanted the committee to know that the TC was impressed with what Virginia had done, but the methodology was not the most powerful approach to use, and ASMFC may be more likely to approve a regional approach. Mr. Cimino said there was a push to get all states on the same size limit.

b. Striped Bass Update

Mr. O'Reilly gave an update on striped bass. He said the ASMFC responded to concerns by a few northern states at an August management board meeting that Addendum VI had a cut proposed as a result from observations from some states, the public, and recreational groups not seeing the size of fish they used to. The ASMFC responded to that information and the year-class problem. In Virginia year-class is measured by the Virginia Institute of Marine Science's (VIMS) haul seine survey, which has been about average, but the Maryland juvenile survey has been poor for 4 out of last 6 years.

Another situation is mycobacteriosis in the bay. There is evidence that about 60 to 70 % of striped bass may have prevalent mycobacteriosis. There are a number of studies since 1997 which tentatively support the idea that the mycobacteriosis is prevalent, as well as histology studies, and tagging studies. The ASMFC is now paying more attention to it because of the year-class production.

Mr. O'Reilly explained that the Plan Development Team (PDT) put together Addendum VI but did not say what measures would be the best to implement. Addendum VI has not been released yet because there is an updated stock assessment scheduled for mid-September that they are waiting on. However the new assessment should show that the triggers would still not be met.

Mr. O'Reilly commented that the striped bass recreational fishery in Virginia was terrible in 2010. The harvest was approximately 365,000 pounds, which is the lowest it has been since the 1990's. This could be due to the cold weather. Mr. Deem asked is if they estimated non-fishing mortality on striped bass. Mr. O'Reilly replied that in the bay natural mortality has increased. The VIMS and Maryland Department of Natural Resources do a spring tagging survey which shows that natural mortality is increasing. This is a concern for ASMFC because they use static natural mortality for their models. The next bench mark assessment is scheduled for 2013 and will take that into account.

c. Lobster Limited Entry

Mr. Travelstead updated the committee on lobster limited entry. He said that ASMFC has a management plan for lobster, but Virginia does not sit on the board, so Virginia is considered a *de minimis* state. The ASMFC has been working on an addendum to regulate the Southern New England stock (which stretches from Connecticut to North Carolina) because it is overfished and overfishing is occurring. There have been talks to enforce everything from a moratorium to a 75% reduction, and now they are looking at a 10% reduction. The concern is that Virginia is the only state that does not limit who can land lobster. The VMRC's concern is that a boat could potentially fish off of New Jersey and land lobster in Virginia which would make Virginia no longer a *de minimis* state, based on that one trip. This would make Virginia have to comply with all the management plan actions of ASMFC. Staff is looking at past landings in the state to try to develop a permit requirement to limit landing to qualified individuals. Most data are confidential data, but there are only 2 or 3 major players (going back to 2007) with a few others that have sporadic small landings of lobster less than 100 pounds. Any commercial fisherman in last five years that has landed any lobster could be eligible.

Mr. Powers asked if people who scuba dive recreationally for lobster would be affected by this. Mr. Powers also had a concern that individuals from other states may get transferred a lobster limited entry license. Mr. Bowden added that he liked limited entry, but wanted to add a by-catch provision. Perhaps 100 pounds forth trawl fishery which would eliminate the transfer problem.

Mr. MacDonald asked if VMRC could make the lobster permits non-transferable to out-of-state harvesters. Mr. Powers suggested we add categories of resident and non-resident for both the directed and by-catch fisheries so that we could force the permits to stay in those categories when transferred.

d. Other Business

Mr. Travelstead mentioned that ASMFC has approved an addendum on the menhaden fishery that will establish new targets and thresholds. We could potentially see a 25 to 40% reduction across the fishery. At those high levels of reductions this will affect the availability of bait in the crab and lobster fishery. No public hearing dates have been set, but could be held by late September.

Mr. Deem asked if we can separate where the menhaden reductions can come from. Mr. Travelstead replied it was not clear yet. Mr. Travelstead continued to say that it will be 2013 before any implementation, assuming everything passes.

Mr. Travelstead then gave a brief update on blue catfish from ASMFC per request of the committee. He said that ASMFC adopted a resolution that calls on all states to do what they can to eliminate the species and prohibit its spread up and down the coast. However, in Virginia, it falls to the Virginia Department of Game and Inland Fisheries (VDGIF) to manage this species. The committee agreed that the eradication of blue catfish is nearly

impossible. Also, there would be a push from the recreational sector to prohibit the commercial harvesting of large catfish; however, there was not a market for smaller catfish.

Mr. Doug Jenkins, from the public, wanted to talk about the blue catfish. He could not understand why VMRC could not regulate them up to the fall line. He continued to say that blue catfish were a threat to blue crabs and other species in the bay and created a problem for blue crab fishermen. Mr. Travelstead replied that the code is clear, and VMRC does not have jurisdiction over freshwater fish. There would have to be a legislative change to the Code of Virginia to do this.

There was then a brief discussion on whether or not VMRC could stop striped bass permits from being transferred to other states, such as Maryland, especially coastal licenses. Virginia was not benefiting from our quota being caught and then brought back to Maryland to be sold. Mr. O'Reilly responded that staff can look into how many people this affects.

V. Next Meeting Date

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

VI. Adjournment

The meeting was adjourned at 7:23pm.