

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

2600 Washington Avenue, Newport News, VA

VMRC Commission Room, Fourth Floor

Monday, November 25, 2013, 6:00 p.m.

ATTENDANCE

Members Present

Jeff Deem (Chairman)
David Agee (for Hon. Ken Neill)
Jack Austin
C. Meade Amory
Ernest Bowden
Skip Feller
G. Wayne France
Richard Lockhart
Scott MacDonald
Tom Powers
Beth Synowiec
Robert Weagley

Members Absent

Russell Gaskins
Andy Hall
Walter Rogers

VMRC Staff

Robert O'Reilly
Joe Cimino
Ande Ehlen
Lewis Gillingham
Joe Grist
Samantha Hoover
Stephanie Iverson
Adam Kenyon
Sally Roman
Laurie Beth Williams

Others Present

Bob Allen
Mike Gurley
Doug Jenkins
Frank Kearney
Chris Ludford
Chris Martin
Roger Parks
Larry Snider
Walter Vandergrift
Robert Weagley Jr.

A quorum was present with 12 members in attendance. Minutes were recorded by Ande Ehlen.

I. Introductions; Announcements

Mr. Deem called the meeting to order at 6:00 pm.

II. Approval of minutes from September 30, 2013 meeting

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

III. Update: ASMFC Annual Meeting

Mr. Rob O'Reilly updated the committee on the 2013 Atlantic States Marine Fisheries Commission (ASMFC) Annual Meeting, held October 27-31. Mr. O'Reilly stated that the

ASMFC is in the process of incorporating results from a new benchmark assessment on striped bass. Currently, overfishing of striped bass is not occurring, and the stock is not overfished. However, there is concern that poor recruitment is leading to a decline in stock biomass. This would need to be addressed in 2014 or 2015 by developing a new addendum to the Fishery Management Plan (FMP). Possible measures to decrease mortality up to 35% were discussed at the ASMFC Annual Meeting, but nothing was agreed upon. A reduction will need to occur in the future, for both the commercial and recreational striped bass fishery, to reduce mortality to the target rate.

Mr. O'Reilly updated the FMAC on summer flounder quota and New York's effort to increase their percentage of coast-wide quota by reallocating the quota among the states. One idea proposed at the ASMFC Annual Meeting included redistributing the summer flounder quota by regions. The proposed regions would group Virginia with Maryland. The ASMFC is also considering a mandatory fish donation system for any quota that is unused by a state. Virginia has been under its recreational quota for the past 5 years. Further discussion on summer flounder and Addendum 24 will occur at the December Mid-Atlantic Council meeting (MAFMC).

Mr. Richard Lockhart asked about the movement of summer flounder and where the major spawning grounds for flounder are located. Mr. O'Reilly responded that the summer flounder are spawning offshore and the larvae are brought in with water currents. He also stated that there are thoughts the stock biomass has shifted north and east in recent years. This is an event known as range expansion, where higher quantities of large fish move out into these waters. In the Chesapeake Bay, smaller fish are present, but there are still some large fish in the area. Mr. Lockhart has observed a decreasing number of large summer flounder in the bay for several years, and shared his frustration for a lack of understanding of why this is occurring. Mr. O'Reilly responded that it is a sensitive fishery and the data needs to be carefully evaluated as to correctly allocate the quota between the states.

A new rule for menhaden was passed during the ASMFC October meeting asserting that a state must declare for an episodic event to harvest menhaden in an area they are not normally found, and if it is not used by October 31st, the quota will be split back among the states. Additionally, a benchmark assessment is currently in progress for menhaden and may be available for peer review by August 2014 and ready for the ASMFC Annual Meeting in November 2014.

IV. Update: Red drum management measures

Mr. Joe Grist updated the committee on possible management measures to increase the harvest of red drum in Virginia. Amendment 2 to the ASMFC FMP would allow Virginia to increase the possession limit from 3 fish to 5 fish, if the slot size limit was changed from 18-

26 inches to 18-25 inches. In order for the Commission to take any other measures, the entire northern region stock assessment for red drum would need to be updated and completed. This option would require extensive resources from the agency, and a coast-wide stock assessment is already set for mid-2015.

Mr. Lockhart stated that he and the Virginia Charter Boat Captain's Association are against these measures because he does not believe that the red drum are the cause for the low abundance of crabs observed in 2013. He reiterated Mr. O'Reilly's previous statement that we should not base our management measures on one year of data and the agency needs to look at the whole picture.

Mr. Tom Powers recommended that staff not change the size and possession limits of red drum because these fish need to get through current directed harvest efforts and continue growth in order to avoid a population crash in the future. Mr. Powers pointed out that species like red and black drum need strong episodic year classes to carry the stock through poor recruitment years.

Mr. Jack Austin added that a red drum within the 18-26 inch regulation is plenty for one person to keep for personal use, and therefore recreational limits should remain at status-quo.

Mr. Ernest Bowden stated that the red drum fishery is strong and the fish are able to spawn often because of their long life expectancy. Based on these attributes, raising the commercial limit to 5 fish would not hurt the fishery. Mr. Chris Ludford from the public urged the committee to at least support allowing the commercial sector to increase from 3 fish to 5 fish, as he does not believe that the commercial sector could possibly overfish red drum.

Mr. Deem asked staff if it was possible to split the regulation to be specific for recreational and commercial sectors, and Mr. Grist said that if the FMAC recommends it, staff can entertain it. Mr. Lockhart expressed concern over the low dockside value and lack of demand for the fish and how it may hurt the market. He also voiced concern over not seeing many minnow-sized red drum this year, and how we may be hurting ourselves in the future. Mr. Scott MacDonald stated that there is a local market for red drum.

Mr. Bowden made a motion to increase the commercial limit of red drum from 3 fish to 5 fish and change the size limit from 18-26 inches to 18-25 inches. The motion was seconded by Mr. Robert Weagley. The motion passed 10-2-0.

V. Discussion: Commercial cobia possession limits

Mr. O'Reilly updated the committee on the issue of cobia possession limits that was brought to their attention by Chris Ludford, from the public, at the September FMAC meeting. At

issue was the term “legally eligible to fish” in the cobia regulation. The Attorney General’s office noted that no VMRC regulation defines the term. In the case of commercial hook and line (CHL) trips, someone with a CHL can have a crew that includes two individuals who do not have commercial fisherman registration licenses (CFRL). They are eligible to fish with the CHL holder on a trip. However, according to Chapter 4VAC 20-610-10 et seq., only persons who hold a valid CFRL may sell, trade, or barter their harvest, or give their harvest to another, in order that it may be sold, traded, or bartered. Only these licensees may sell their harvests from Virginia tidal waters, regardless of the method or manner in which caught. Therefore, although the cobia regulation may suggest non-CFRL crew members can possess cobia, Chapter 4VAC 20-610-10 et seq. prohibits the sale of these fish.

Mr. Ludford, from the public, expressed his desire for an 8-fish limit for cobia, regardless of gear type but pertaining to the commercial sector only. Mr. Larry Snider, from the public, voiced that he was in attendance when this regulation was first created in 2001. According to him, the limit was created with the intention of one licensed waterman possessing 2 fish, and he regrets that the regulation was not translated from the Commission meeting this way. He noted that the state of Florida simplified matters with a 6-fish vessel limit for both the recreational and commercial sectors, and he supports a similar regulation for Virginia.

Mr. Bowden expressed support for raising the possession limit of cobia to 6 fish. Mr. Lockhart asked for staff clarification on the stock status of cobia. Mr. Cimino stated that cobia are only in the Chesapeake Bay for a small window to spawn, so we cannot be sure of their stock status. Because the only data currently existing is when the cobia are aggregating in the Bay to spawn, it appears that they are in high abundance. However, this does not mean that the population as a whole is doing well.

Mr. Ludford said he has observed that the cobia spawn in late April and early May in the bay, and the commercial watermen harvest cobia in July and August after they have spawned. Based on his observations, he believes that the recreational harvesters are of concern because they target cobia during the spawning months. Mr. Cimino added that the cobia respond to temperatures and therefore, their spawning time can vary each year. Mr. MacDonald told the committee that cobia are at an exceptionally high demand during the summer months and are extremely marketable.

Mr. O’Reilly told the committee that there is no need to decide on anything at the moment, but to have an idea of what they would like to support by the next committee meeting.

Mr. Powers made a request for Mr. Cimino to look into a statement he received in an email that suggested that cobia appear to have been overfished specifically in the area of the Chesapeake Bay.

VI. Striped bass coastal ITQ tag allocations in 2014

Mr. O'Reilly introduced the subject matter, and results from the Law Enforcement Subcommittee on violations of natural resources regulations. The primary topic administration will be looking at is commercial harvesters catching coastal striped bass well below the average weight.

Ms. Sally Roman presented the management measures for the 2014 striped bass fishing season. Staff developed approaches for establishing threshold weights for the commercial striped bass fishery to minimize potential abuses of the individual transferable weight quota system. The threshold weight analysis of coastal striped bass was created based on average weights from mandatory harvest reports as well as fish weighed by VMRC's Biological Sampling program at fish houses. Staff is proposing to establish a threshold weight of 12 pounds for the 2014 coastal area fishing season. Individuals with an average weight greater than 12 pounds would be allocated tags based on the method used since 2007. Individuals with an average weight under 12 pounds would be issued tags based on the 12 pound weight threshold. Additional tag requests below the 12 pound weight threshold would require supplemental monitoring by notifying law enforcement. Administering this method would help to account for abuses to the systems.

It is more difficult to determine a minimum threshold weight for the Chesapeake Bay. The bay holds small legal size resident striped bass as well as hosts large coastal migrants, resulting in a bimodal distribution. More analysis is needed.

Some administrative burdens for commercial striped bass include scheduling appointments for transfers, additional tag requests, initial tag allocation, and the cost for tags. Possible measures to relieve these burdens were presented to the committee by Ms. Roman. Mr. O'Reilly also reiterated the point of relieving these administrative burdens and how they would assist staff and reduce agency spending.

Mr. Bowden gave support for the threshold weight proposal because he does not understand how a harvester could have an average weight of just seven pounds from coastal waters. Mr. Bowden made a motion to accept staff's recommendation to implement a 12 pound minimum threshold weight for tag distribution in the coastal striped bass fishery for the 2014 season, which was seconded by Mr. MacDonald. The motion carried unanimously.

VII. New Business

Mr. Lockhart stated the number of commercial hook-and-line licenses should be increased from 200, and charter boat captains should be eligible for this fishery. Mr. O'Reilly spoke on the history of the hook-and-line licenses.

VIII. Next Meeting Date

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

IX. Adjournment

Meeting was adjourned at 8:24 pm.