

VIRGINIA MARINE RESOURCES COMMISSION

FINFISH ADVISORY COMMITTEE MEETING

VMRC CONFERENCE ROOM

20 June 2006

MEMBERS PRESENT

Jeff Deem
Robert Weagley
Wynston Holbrook
Douglas Jenkins
David Agee for Ken Neill
Tom Powers
Sam Swift
Chris Vaughan
Walter Rogers
Russell Gaskins
Hon. Russell Garrison
Hon. Ernest Bowden, Jr.

MEMBERS ABSENT

Pete Nixon
Hon. William Laine, Jr.

VMRC STAFF

Jack Travelstead
Sonya Davis
MPO Kenny Oliver
Lewis Gillingham

I. Introductions, Announcements

Chairman Russell Garrison called the meeting to order at 6:05 P.M.

II. Approval of the minutes from the November 15, 2005 meeting

The minutes were approved as written.

III. Old Business

There was no old business.

IV. New Business

a. Recreational Striped Bass Tournaments—exemption to the slot limit—see attachment

Jack Travelstead informed the Committee that FLW Outdoors, a national organization that promotes and runs recreational fishing tournaments and

outdoor activities, has announced a “striped bass tournament trail” consisting of seven qualifying tournaments and a national championship for 2006. The qualifying tournaments will be held at various ports along the northeast coast of the United States during the summer and fall, with the national championship scheduled for Virginia Beach in December.

Each one-day qualifying event will have a maximum of 200 boat entries, limited to a minimum of 2 anglers and a maximum of 4 anglers. Each boat can weigh a maximum of 2 striped bass, with the aggregate weight of the two fish determining the winners. The top 25 teams at each qualifying event advance to the national championship. That provides for a maximum of 175 boats at the national championship.

The FLW national championship is a three-day tournament, with all qualifying boats competing during the first two days, followed by the five top boats from those two days competing on the final day for the championship.

FLW tournaments require the live release of all fish, and penalties are assessed for any dead fish brought to weigh-in. The historical live release rate for FLW tournaments (excluding king mackerel events) is over 98%. For striped bass, live release will be accomplished by use of specially designed live containers on all boats. Tournament entrants are required to use the FLW approved and provided live containers. Fish remain in the live containers until weighed at the host marina. Immediately after weighing each fish is deposited in a 1200 gallon floating tank (tied to the host marina’s dock) with circulating water, where it is held until taken to release area

The FLW has adopted a slot for striped bass entered in its tournaments. The FLW allows fish to be weighed that measure a minimum of 28 inches and a maximum of 34 inches fork length. The 28-inch minimum corresponds to the minimum legal size in most coastal jurisdictions, the locations for all but one qualifying event. The 34-inch maximum corresponds to the largest fish tournament organizers believe is suitable for a live release event, utilizing FLW specially designed live containers.

The slot limit adopted by FLW for their tournament conflicts with Virginia’s Chesapeake Area fall season, as a prohibited slot of 28 – 34 inches total length is in effect. The closed slot was adopted last year, in an attempt to “slow down” Virginia’s fall Chesapeake area striped bass fishery which had exceeded its allocated quota the prior four years. In 2005, there was a 22% reduction in harvest, although the harvest still exceeded the 2005 quota allocation.

The two main issues associated with the FLW request are: 1) possible mortality of striped bass associated with this event and the impact of the proposed activity on Virginia’s efforts to stay within its Chesapeake bay-wide

quota; and, 2) the impact that granting a special exemption to a fishery regulation may have on future requests--the "precedent" value of a special exemption.

Mortality impacts associated with this event appear to be minimal. First, contestants will be allowed to fish in coastal waters, where all fish in the slot limit will be legal to possess under Virginia's coastal regulations. Second, tournament rules use a fork length measurement, which means that some of the larger fish allowed under tournament rules will fall within the legal portion of Virginia's Bay regulations. Specifically, total length measurements of striped bass are likely to be 2.0" to 2.25" longer than the equivalent fork length measurements. This means that striped bass measured in the 32-34 inch range fork length would be legal to keep under current Bay regulations, that allow the possession of 1 fish over 34 inches per person. Since tournament boats must have a minimum of 2 persons on board and can weigh only 2 fish total, all fish allowed under tournament fork length measurements in the 32-34 inch range would be legal under Virginia regulations. Finally, the use of specially designed live wells required of tournament participants should minimize mortality of fish kept and subsequently released.

At their May meeting, the Commission voted to advertise proposed amendments to the striped bass regulation to allow the operation of tournaments, including the FLW Outdoors Striped Bass Tournament, that meet certain established criteria. Specifically, a tournament would be exempted from size limitations and/or season requirements if it meets the following criteria:

- 1) The tournament operates for a limited duration, with a maximum of three days.
- 2) The tournament format provides for the live release of all fish.
- 3) The tournament director submits a written proposal to the Commissioner detailing the measures the tournament will use to ensure the survivability of fish entered in the tournament, to include capture, handling and storage of fish by tournament entrants on the water during the competition, by tournament officials at the weigh-in, by tournament officials when transporting and returning the fish to the water, and any penalties that will apply to entrants bringing in or weighing dead fish. Such proposal must be submitted no later than 120 days prior to the tournament, and the proposal must be determined, by the Commissioner, to adequately address potential mortality issues.

- 4) Tournament officials must agree to provide any or all fish entered in the tournament to the Marine Resources Commission, or to any designee of the Marine Resources Commission, upon written request.
- 5) Tournament officials agree to allow Marine Resources Commission staff access to all tournament areas during the event for the purposes of observation and assessment, upon request.
- 6) Approval does not jeopardize the status of the striped bass stock or prove to be an issue of compliance with the interstate fishery management plan.

Mr. Travelstead indicated the Commission had received a letter from the mayor of Virginia Beach supporting the FLW event. The FMAC was asked if they had any additional criteria to add to the six.

Tom Powers suggested adding a specific poundage penalty that would apply to any a dead fish that was weighed-in. The group was unable to agree to a specific amount. Mr. Powers requested that language be added stating “a substantial penalty” and let the tournament officials determine what the amount should be.

Russell Garrison said the Commission was supportive of the FLW request at the Commission’s May meeting. He felt Virginia would see significant economic gains due to the participation by out-of-state anglers.

Tom Powers did not think the event would be a large draw but that was not the issue. He felt the main issue was not conservation but rather the precedent of changing the regulation for a special interest group. The fact the proposal establishes a set of criteria for all tournaments, rather than just a special exception for the FLW event.

Mr. Powers made the following motion:

FMAC endorsees modification of the striped bass regulation to allow striped bass fishing tournaments to be exempt from size or season restrictions that meet the six criteria listed with additional language stating a substantial penalty be levied to any participant that enters a dead striped bass.

The motion was seconded and discussion was opened.

Robert Weagley stated the only way his group could support this motion was if some consideration was given to commercial striped bass fishermen. Specifically, they would like to see a modification of the closed period for

striped bass greater than 28 inches, so commercial fishermen could keep fish this size and greater after March 27. Mr. Weagley felt the tournament proposal was unfair without some consideration to the commercial fishery because it was altering the regulation for a specific user group.

Mr. Travelstead explained what Mr. Weagley was asking for was a compliance issue with the ASMFC FMP, whereas the fishing tournament request was within Virginia's regulatory latitude.

Ernie Bowden stated any request by Virginia, that would allow the taking of more striped bass from the Coastal Migratory Stock (fish greater than 28 inches) would have "no chance" at the ASMFC.

Mr. Garrison called for a vote. The motion passed 8 to 2.

b. 2005/2006 Striped Bass updates: initial discussion of changes for 2006

Jack Travelstead provided FMAC with a seven-page graph and chart handout characterizing Virginia's commercial and recreational striped bass fishery in terms of catch at age or size and each fishery's performance relative to the year's allowable quota. Mr. Travelstead asked the FMAC to begin thinking and conferring about what regulatory changes the Commission should consider (if any) for this fall's recreational fishery and the 2007 commercial fishery.

In the recreation fishery, anglers were over quota again in 2005 (about 400,000 pounds) but by a lesser amount than in 2004 (about 1 million pounds). Despite the recreational overage, it does not appear the baywide quota was exceeded, so no penalty will be required. How much risk is the recreational fishery willing to live with? The closed slot appears to have helped reduce the catch, should it be expanded?

For the commercial fishery, VMRC received complaints about the two-tag system, suggesting it promoted waste because of additional culling (high grading for two slots, rather than just one). What does FMAC think?

After some discussion within FMAC and from the audience, it was agreed the committee formed at the Commission's request to investigate the viability of an actual poundage-based quota and chaired by Ernie Bowden be resurrected.

As the issue to a tag based versus an actual poundage based quota is debated again, Tom Powers requested staff consider the trade-offs relative to the striped bass stock between increased regulatory discards (tag system) and illegal overages (direct poundage).

V. Updates

Jack Travelstead informed the FMAC that DGIF is investigating a problem with striped bass discards in a recreational gill net fishery in the upper tidal portions of the James River. Most of the problem seems to be caused by recreational catfish anglers who set gill nets to catch gizzard shad to use for catfish bait. It is not clear who has the authority to regulate gizzard shad. DGIF has also modified its regulation for blue catfish. Effective 1 July 2006, fishermen (commercial and recreational) will only be allowed one catfish greater than 32 inches.

Mr. Garrison informed the FMAC the Marine Products Board and VIMS were examining ways to develop a fishery for cow-nosed rays. The fishery could include some type of a value added incentive for the fishermen. Mr. Garrison provided a handout describing an instance where a state agency paid a bounty on a fish (pike minnow), which preyed upon salmon. The response by the fishermen and the agency were very positive.

VI. Next Meeting

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

VI. Adjournment

Chairman Russell Garrison adjourned the meeting at 8:05 P.M.