

**VIRGINIA MARINE RESOURCES COMMISSION
FINFISH MANAGEMENT ADVISORY COMMITTEE
2600 WASHINGTON AVENUE, NEWPORT NEWS, VA
VMRC CONFERENCE ROOM, 4TH FLOOR**

MONDAY, SEPTEMBER 17, 2007 6:00 PM

MEMBERS PRESENT

Hon. Ernest Bowden
Mr. Walter Rogers
Mr. Wynston Holbrook
Mr. Jeff Deem
Mr. Russell Gaskins
Mr. Douglas F. Jenkins, Sr
Mr. David Agee for Dr. Ken Neill
Mr. Samuel Swift
Mr. Robert Weagley
Mr. Tom Powers
Mr. William Laine, Jr.
Mr. Pete Nixon
Mr. Chris Vaughan

MEMBERS ABSENT

VMRC STAFF

Mr. Jack Travelstead
Ms. Sonya Davis
Mr. Joe Grist
Ms. Stephanie Iverson
Mr. Mike Johnson
Mr. Joe Cimino
Mr. Lewis Gillingham
Ms. Alicia Middleton
Sergeant J. R. Rose

OTHERS PRESENT

G.G. Grump
Frank Kearney
Russell Garrison

I. Introductions; Announcements

There were no introductions or announcements

II. Approval of minutes from the August 21, 2007 meeting

The minutes were approved.

III. Old Business

a. Discussion of Hampton Roads and Easter Shore Management Areas

Because none of the parties involved was present, Chairman Bowden postponed the discussion on the management areas to the next meeting. He also stated that if no one who had been contacted by staff was present at the next meeting, the committee would discuss the matter and make suggestions to the Commission.

b. Striped bass: preferred option for recreational harvest restriction

Joe Grist presented preliminary online poll results concerning the recreational striped bass fishery. The option with the most votes (190) was a no take limit between 29 and 34 inches and a closure from December 25 through December 31. The other two options were 1-fish limit options and varied in the number of closed days in December (22 versus 31) and both included the no-take slot limit of 2005 and 2006. The option with a closure of December 1 through December 31 had received 48 votes, to date, and the option with a closure December 10 through December 31 had received 87 votes, to date. The poll will continue until 5 p.m., September 24. Poll responses and other public responses will be reported to the Commission. Mr. Grist also pointed out that individuals must register to vote, and the system only allows one vote per registration. Mr. Powers mentioned that many anglers would go to the coastal fishery during the closure. Mr. Nixon pointed out that many anglers might agree to other management practices, instead of a single fish limit.

Chairmen Bowden asked for any further comments. Mr. Garrison said that last year, in the middle bay, there were several large runs of fish, and he believed that a single fish limit would be disastrous. He believes there would be high mortality due to an increased number of throw backs because anglers would continue to fish until they got a large fish. Mr. Garrison described his concerns with the distributions of MRFSS interviewers, and he felt that they were omitting certain areas when collecting data. Chairman Bowden responded that the locations of the interviewers were arranged by the NMFS. Mr. Garrison asked for a request to be made by the Commission and the ASMFC for the checkers to check the area of the middle bay more carefully. Mr. Garrison also replied that he supported the first recommendation (closure November 25 through December 31), which was option 3 in the poll.

Mr. Vaughn motioned to adopt option 3, including the closure from December 25 through December 31 as the recommendation to the Commission. The motion was seconded by Mr. Deem. The discussion of the motion included comments about anglers wanting to fish during that time of year. The motion passed unanimously with two abstentions.

c. Tautog: review of new options

Joe Cimino presented the closure options for the tautog recreational and commercial fisheries. The options for the recreational fishery went before an ad hoc committee and were voted on. The preferred option from the ad hoc committee was option 9 that included a closure in mid-April to mid-May and an additional closure in December. Mr. Cimino reminded the committee that according to the ASMFC mandate, states are allowed to choose how to reach the reduction goals (taking reduction from recreational, commercial, or both). The recreational ad hoc committee was in favor of both fisheries taking an equal percentage reduction. Mr. Travelstead asked the board to recommend a selection of the options to the Commission.

Mr. Agee asked for identification of the particular days in question. He suggested closing the last 14 days of wave six in option 9 for simplicity. Mr. Deem asked if the commercial industry had indicated any months that were less harmful than others to the industry. Mr. Cimino said that there is already a commercial closure beginning May 1. The responses from the industry indicated that they prefer to be able to fish April, or the first part of April

Mr. Bowden asked the board if the recreational fishery should take the full cut to account for both fisheries. Mr. Cimino stated that the fishery was over 98 percent recreational, and that a 26.1% reduction in the recreational fishery would cover both fisheries (this would be a one or two day additional closure for the recreational fishery). Mr. Nixon asked how many commercial fishermen were fishing for tautog. Mr. Cimino said in the Bay, it is usually a by-catch. Some of the black sea bass fishermen catch tautog while fishing offshore with their pots. Mr. Bowden asked about the commercial closure, and Mr. Cimino responded that the commercial closure is from the beginning of May to the end of August. The group discussed mortality of fish thrown back, after being fished in pots, and stated in most cases, commercial fishermen did not directly target tautog. There was also discussion on commercial hook and line fishermen and pot fishermen.

Mr. Powers suggested that a commercial closure should be during the same time as the recreational closure (a general closure in state waters). Mr. Bowden asked for motions. Mr. Agee motioned for both fisheries to take equal percentage reductions; it was seconded for discussion by Mr. Powers. The motion failed with 2 in favor, 8 opposed and 2 abstained.

Mr. Powers made a motion for the reductions to apply to the commercial fishery with the exception of documented black sea bass fishermen with a history of tautog landings in Virginia. Mr. Travelstead said the effect of this motion is similar to the effect of a full reduction from the recreational fishery. Mr. Nixon wanted to avoid problems arising from one fishery being open while the other was closed. After discussion, the motion was withdrawn by Mr. Powers.

Mr. Agee made a motion to suggest options 9, 4, and 8 for the recreational fishery reductions to the Commission, for public notice. The motion was seconded. He was concerned with the 14 day closure in December, for tautog, combined with the December closure for the striped bass fishery. The motion passed with one abstention.

A discussion began on the particular days of closure. Mr. Powers suggested closing the last portion of April to protect the spawning period. Mr. Agee said that the ad hoc committee had chosen several options with April closures, for that reason. The closure in December (wave 6) was discussed next. There were several concerns about the striped bass closure. Mr. Agee favored the last 14 days of wave 6. Mr. Deem was in favor of a closure for the first 14 days of December. Mr. Powers mentioned that he was in favor of the closure at the end of December. After some discussion by the board, Mr. Powers made a motion to close the fishery in the spring at the end of the wave (counting backward), and close the first 14 days of December. The motion was seconded. The motion passed with 12 in favor, 1 opposed, and 1 abstention.

Next, the closure options were discussed for the separate fisheries. Mr. Powers suggested that the recreational closures cover the entire reduction for both fisheries, a 26.1 % reduction of recreational landings, or to allow black sea bass fishermen an exception. Mr. Deem asked if it were possible, or practical, for a fisherman to target tautog with sea bass pots. Mr. Cimino answered that it was not practical. The group also discussed which options would be more efficient for law enforcement to implement.

Mr. Powers motioned to close the commercial fishery during the same periods as the recreational fishery, and to allow commercial black sea bass fishermen an exception. Mr. Nixon mentioned that a lot of these fishermen did not use the tautog fishery for the majority of their income. Most only used it as additional income. The motion failed with 2 in favor, 8 in opposition, and 1 abstention.

Mr. Weagley motioned to exclude the commercial fishery because it is such a small proportion of the overall fishery in Virginia. The motion was seconded by Mr. Swift. After discussion, the motion passed with 7 in favor, 4 opposed, and 2 abstentions.

IV. New Business

a. Overnight soak of gill nets on Seaside Eastern Shore

Mr. Bowden described the problem. A few gill net fishermen on the seaside of the Eastern Shore frequently anchor gill nets overnight in the surf line. The fish produced from these nets look very poor and the discard is high. Mr. Bowden was concerned with the public opinion of the product (with concerns of infection). Mr. Bowden suggested allowing this to continue only if the owners were required to tend their nets at all times. Mr. Nixon described his problems with receiving poor fish from gill nets that were not high enough quality to sell. Mr. Jenkins argued that some fishermen wouldn't be able to tend every net at all times. Mr. Bowden also suggested a ban on unattended nets at night. Mr. Jenkins said many gill netters use ice to keep the fish from spoiling. Mr. Nixon said, in some cases, an ice slurry wouldn't solve the problem. The issue was discussed by the committee, and Mr. Bowden said that it would be put on the next meeting's agenda.

b. Amendments to striped bass regulation

Joe Grist presented the background on potential amendments to the striped bass regulations. The first issue was possession of PRFC tags in Virginia waters. Current regulations do not preclude this from happening, and we have reports of these tags showing up as far south as the James River. This could be illegal harvest. It is unlawful to use a Chesapeake tag in the coastal areas, and a potential regulation change could include a ban of PRFC and Maryland tags in Virginia waters with the exception of the PRFC tags in Virginia tributaries of the Potomac River.

The second issue was the time of placement for striped bass tags. The regulation can be seen as contradictory in court. One section of the regulation suggests the waterman tag the fish immediately; the other suggests tagging the fish before landing. A few of the watermen in several areas have questioned this situation. One suggestion is to delete the wording which references the shore, specifically. Mr. Jenkins described difficulty of tagging striped bass in a timely matter in rough waters.

The third issue described penalties for being out of compliance for possession. This applies with someone not on the water (in a truck) who is found with untagged striped bass in their possession, while possessing unused tags. Most of these individuals have been seen heading out of the state. The only option for law enforcement is to require them to tag the fish. Staff is suggesting a regulation change

to allow the seizure of any untagged fish on land. If the individuals are found to be innocent in court, the price for the fish would be reimbursed. Mr. Bowden expressed concerns about reimbursement. Mr. Garrison was concerned about punishment for violations. Mr. Powers expressed interest in seeing a quota penalty for offenders (reducing that individual's quota for a year).

Mr. Garrison asked a question about punishment for violators. He mentioned experiences at DGIF, including a loss of license after two offenses. He also mentioned, in previous experiences with the Commission, he had not seen anyone lose a license for a violation. Mr. Travelstead responded the Commission has revoked licenses, recently. Mr. Powers related that fishermen should not lose their licenses over small offenses (such as crab pots in the channel).

The fourth issue was tags aboard a vessel, when the owner is not aboard. This may be an opportunity to circumvent the current rules. Mr. Jenkins described the legal use of multiple tags (and owners) aboard a single vessel.

The final issue concerned temporary transfers. With this system, some individuals are acquiring large portions of the fishery (in some cases close to or above the 2 % maximum). Some individuals are using this as a commodity and gaining large sales by acquiring a card for every person in the family. Staff suggests the allowance of temporary transfers to only medical or other exceptions (such as when someone has a known overage), or to limit the number of transfers to one per license per year. Mr. Nixon felt that the commodity system was a successful part of the striped bass quota program. He expressed his opinion that those who owned the quota and transferred it temporarily were still getting something in exchange. Mr. Bowden described another problem; if an individual transfers his tags temporarily, the owner of the tag is still responsible if the temporary transferee goes over the quota. Mr. Weagley suggested agent use in this fishery instead of temporary transfers. Mr. Grist said that VMRC would have much less control of the fishery if agent use was allowed. Mr. Travelstead said that solutions did not need to be determined at this point. This part of the process was just to identify which problems needed to be addressed.

c. Industry request for suspension of requirement to set and fish a pound net to maintain priority right to the pound net's location

Mr. Travelstead provided the history of the issue. Tropical Storm Ernesto (2006) caused extensive damage to our pound net industry. For 2006, the pound netters asked for a suspension of the rule that requires them to set and maintain their point net in order to maintain their priority right for the next year. They suffered such economic losses, as result of that storm, and many were not able to fish those nets for 2007. Only 10 of 27 nets were in operation this year, as a result. Some have contacted staff and asked for an additional suspension of the requirement to set and fish the net. Mr. Powers asked about a permanent change to the regulation, and Mr. Travelstead replied that this situation had not reached that point, at this time. Mr. Jenkins moved to continue the suspension for an additional year. The motion was seconded. Mr. Holbrook asked about fishermen in Virginia, but in other areas (middle area), and if they would also get the suspension; staff responded that they would. Mr. Powers mentioned that this system would slow down entry into the fishery. The motion passed unanimously.

d. ASMFC South Atlantic Board commercial industry advisor needed for red drum, speckled trout, Spanish mackerel, croaker, spot

Mr. Travelstead announced that the ASMFC South Atlantic Board is looking to fill their advisory panel. Mr. Powers has already agreed to be the recreational advisor for Virginia, and the panel still needs a commercial advisor from Virginia. Mr. Travelstead asked for any volunteers or if the committee had anyone from the industry in mind.

V. Next Meeting

The next meeting was set for Monday, October 15, 2007.

VI. Adjournment

The meeting adjourned at 8:35pm.