

VIRGINIA MARINE RESOURCES COMMISSION

FINFISH ADVISORY COMMITTEE MEETING

VMRC CONFERENCE ROOM

February 18, 2003 – DRAFT MINUTES

MEMBERS PRESENT

Hon. Gordon Birkett
Hon. Russell Garrison
John C. Ludford for Cathy Davenport
David Laurier for Kevin Seldon
John Wyatt
Peter Nixon
Sam Swift
Ken Neill
Richard Young
Ernest Bowden
Tom Powers
Lionel Jenkins
G.G. Crump
Raymond Kellum
Kelly Place
Larry Snider
Douglas Jenkins

MEMBERS ABSENT

Raymond Spence
Robert Brumbaugh
Robert Weagley
Bob Pride
Warren Cook
Warren Cosby
Charles Williams
Frank McLaughlin

I. Introductions, Announcements

John C. Ludford (proxy for Cathy Davenport) called the meeting to order at 7:05 P.M.

The minutes from the January 21, 2003 meeting were amended, in Section IV. New Business; A. 2003 Menhaden. Second paragraph, line 12, " then the FMAC would pursue authority from the Legislature," was changed to read, "then the FMAC **may** pursue authority from the Legislature." A second modification was made in Section IV. New Business; B. Weakfish; line nine, the word commercial was substituted for recreational.

II. Approval of minutes from the January 21, 2003 meeting

Minutes were approved as amended.

III. Old Business

A. Discussion of changes to the recreational black sea bass fishery minimum size and season

Rob O'Reilly distributed copies of the public hearing notice, regarding the recreational black sea bass fishery. The notice listed measures that must be implemented to maintain compliance with the ASMFC Black Sea Bass Management Plan. Mr. O'Reilly explained the recreational black sea bass fishery is managed with uniform restrictions from Maine to Cape Hatteras, NC, and as such, there are no individual state options. The required changes include increasing the size limit from 11-1/2 to 12 inches and adopting a closed season from September 2 through September 15 and from December 1 through December 31.

B. Discussion of allowing transfers of the permits for the commercial harvest of American shad from the 2003 and 2004 Coastal Area Fishery

Mr. O'Reilly provided the FMAC with a handout which indicated the top 13 fishermen permitted to harvest American shad (a total of 27 fishermen met the criteria and hold permits) had the potential to harvest 140,000 pounds of American shad in 2003 based upon their landing history in 2001 or 2002. In addition to the 27 permit holders, any harvester without a permit may harvest up to 10 American shad per trip. For these reasons, staff does not believe there is a need to transfer permits to create more effort.

Ernest Bowden supported the staff assessment, saying most transfers would come from fishermen that did not harvest American shad in recent years. This would increase effort and close the fishery prematurely. The five-year "phase-out" period in the ASMFC American Shad Plan was designed to allow fishermen to use-up their gear, which would lessen the economic impact to the fishermen. To allow new fishermen into the coastal American shad fishery, which will end 31 December 2004, would run counter to the Plan's design.

Not all FMAC members were in agreement and **Pete Nixon made the following motion:**

Allow transfer of the coastal American shad permits. The motion was seconded and a discussion ensued.

Doug Jenkins supported permit transfers and reasoned by allowing transfers, fishermen that did not qualify for ocean striped bass quota would have a potential avenue to work.

Ernest Bowden stated that anybody could have chosen to fish for coastal American shad until 31 December 2001 and would have qualified for a permit if they had landings of just 5,000 pounds in two or more years from 1993 through 2001.

Rob O'Reilly reminded the FMAC that staff had developed a long list of options of qualifying criteria for entry in the coastal American shad fishery,

which the FMAC debated during several meetings. Eventually, the FMAC selected the criteria of 5,000 pounds in two or more years from 1993 through 2001. This option allowed 27 fishermen to qualify.

After this lengthy discussion, Chairperson Ludford called for a vote. The motion failed by a vote of 6 for, 7 against and 4 abstaining.

Ernest Bowden made the following motion:

Deny transfer of permits in the coastal American shad fishery. The motion was seconded and carried by a vote of 9 for, 4 against and 4 abstaining.

C. Discussion of management measures for the commercial and recreational grey trout fisheries

Rob O'Reilly referred the FMAC to an earlier handout and called their attention to the public hearing announcement for Weakfish. Mr. O'Reilly said the four options were conservationally equivalent combinations of size and possession limits.

Ken Neill stated the Peninsula Anglers Club was presented with the slate of options and although no option received a majority vote, more club members supported a 15-inch size limit coupled with a 10-trout possession limit. Mr. Neill added that club members were generally supportive of all options.

Russell Garrison felt there "wasn't much meat on a 12-inch trout" and a 14-inch fish yielded a significantly larger fillet.

David Laurier (proxy for Kevin Seldon) stated headboat and pier fishermen do not have the ability to catch large trout. A 14-inch minimum size limit would nearly eliminate their catch.

Richard Young said most Eastern Shore fishermen preferred a 14-inch size limit.

Larry Snider stated the CCA had no position on this issue, as all options were conservationally equivalent.

Kelly Place stated shorebound anglers would be "completely cut-out with the adoption of any size limit over 12 inches."

At this time, Chairperson Ludford asked the audience for comments.

A recreational angler identified himself as an avid pier fisherman, who often fished the Buckroe Pier. He supported the 12-inch size limit.

Bob Allen (a ranking member within the Peninsula Anglers Club) did not feel there was a very strong feeling for, or against, any of the options.

The following motion was made and seconded:

Support a 12-inch minimum size limit and 7-fish possession limit for weakfish. The motion passed 15 for, 0 against and 2 abstaining.

The other portion of the weakfish discussion involved commercial restrictions. Mr. O'Reilly said the ASMFC Technical Committee had approved three modifications for the commercial fishery. These included:

- 1) an allowance for trawlers to land up to 300 trout which are less than 12 inches but the fish may not be sold;
- 2) increase the out-of-season bycatch allowance to 300 pounds with the stipulation that an equal or greater amount of other fish must be landed;
- 3) an increase in Virginia's open season for gill nets of up to 16 days.

Tom Powers felt an allowance of 300 pounds of trout during the closed season was too generous and qualified for a directed fishery. To help clarify a "directed fishery" for weakfish, Mr. Powers requested staff determine the average per vessel landing of trout during the open season.

A motion was made and seconded to support all three modifications to the commercial weakfish fishery as written. The motion was seconded and passed 11 for, 0 against and 5 abstained.

D. Discussion of management measures for the 2003 recreational summer flounder fishery

Rob O'Reilly explained VMRC has advertised two options for the 2003 recreational summer flounder season. Mr. O'Reilly cautioned that neither option had yet received approval by the ASMFC but both had been submitted.

Option 1: Maintain a 17-1/2-inch minimum size limit, 8-fish possession limit and a winter-closed period of 1 January through 28 March.

Option 2: Adopt a 15-1/2-inch and 5 fish possession limit for the coastal bays and ocean waters from 29 March through 31 May and a 17-1/2-inch, 8-fish limit in Virginia's portion of the Chesapeake Bay and tributaries, during this period. On 1 June, a 17-1/2-inch and 8-fish limit would be in effect for all state waters. In addition, the winter-closed period of 1 January through 28 March would be maintained. These were the seasonal restrictions in place for 2002. In addition, all state waters would need to observe a summer closed period of 12 days in 2002.

Discussion was brief with a consensus that a summer-closed period was not a desirable scenario.

A motion to support Option 1 (uniform statewide restrictions) was made and seconded. The motion passed 7 for, 2 against with 8 abstaining.

IV. New Business (no items on the agenda)

High-Grading of fish in the Ocean Striped Bass Fishery

Ernest Bowden stated that a problem was developing in the newly established Ocean Striped Bass Fishery, as some fishers were targeting significantly larger striped bass than the calculated average size fish. This will lead to an early closing (i.e. before all tags are used) because the quota will be met or possibly exceeded. Mr. Bowden proposed running the season through December 31, regardless of whether the quota was exceeded for 2003. If the 2003 quota is exceeded, calculate the actual poundage each fisherman landed in 2003 using mandatory reporting. Then for 2004, fishermen who landed more than their actual poundage quota (number of tags times average sized fish) would have that amount deducted from their 2004 allocation. Mr. Bowden stated the Ocean Striped Bass Fishery was very small by comparison to the Bay Fishery (approximately by one order of magnitude in both pounds of fish and number of fishermen) and could serve as an "experiment." If such a system were successful, it could be expanded to the Bay Striped Bass Fishery.

Jack Travelstead said just such an "experiment" was already underway in the Black Sea Bass Fishery. Fishermen who qualified for the directed fishery have an individual poundage quota. There are additional reporting requirements in the Black Sea Bass Fishery, as well as cross checks with federally permitted dealers. As designed, there is not total reliance on self-reporting (i.e. mandatory reporting). "We will know after this year if this is feasible," stated Mr. Travelstead. Another problem would occur if changes were made in the striped bass fishery in 2003. "Any change must first be approved by the ASMFC," who would not likely approve any plan that would allow a quota overage, according to Mr. Travelstead.

Tagging of Striped Bass

John Wyatt said a fisherman had complained about receiving a ticket for untagged striped bass on the James River in early February. Mr. Wyatt stated winter conditions in the open river could be very dangerous. The fisherman was in the process of tagging the striped bass while en route to his point of landing, according to Mr. Wyatt. Mr. Wyatt asked why the requirement to tag striped bass could not be changed from its present form ("as soon as possible after capture") to "prior to landing."

Other members of the FMAC recalled discussion of this issue, "nearly every year." The regulation in its current form is a modification from the original language, whereby fishermen were required to tag striped bass immediately upon possession, and this change was made as a safety concern for the fishermen.

Lt. Col. Lewis Jones stated the problem with allowing fishermen to retain untagged striped bass all the way to the dock would be the increased temptation for some fishermen not to tag the fish at all. If Law Enforcement was not present, the untagged striped bass could be quickly moved off the water, loaded in a vehicle and headed down the road.

V. Next Meeting Date

There will be no meeting of the FMAC in March. The FMAC will be notified of the next meeting date.

VI. Adjournment

Mr. Ludford adjourned the meeting at 9:20 PM.