

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

2600 Washington Avenue, Newport News, VA
VMRC Commission Room, Fourth Floor
Monday, June 18, 2012, 6:00 p.m.

ATTENDANCE

Members Present

Jeff Deem (Chairman)
David Agee for Dr. Ken Neill
Percy Blackburn
Ernest Bowden
Glenn Wayne France
Andy Hall
Wynston Holbrook
Frank Kearney for Tom Powers
Scott MacDonald
Hon. Joe Palmer
Walter Rogers

VMRC Staff

Robert O'Reilly
Joe Grist
Joe Cimino
Lewis Gillingham
Renee Hoover
Adam Kenyon
Allison Watts

Members Absent

Hon. William E. Laine Jr.
Russell Gaskins
Chris Vaughan

Others Present

Robert Allen
Robert Weagley
Kelly Browne
Harry Doernte
Chris Fertiz
Ben Huson
Paula Jazinski
Chris Ludford
Ashlee MacDonald
Kelly Place
Kate Taylor (ASMFC)
Chris Verde
Alex Waznak
Skip Weagley

A quorum was present with 12 members in attendance.

Minutes recorded by Adam B. Kenyon.

SUMMARY

I. Introductions; Announcements

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

II. Approval of minutes from April 16, 2012 meeting

The minutes of the April 16, 2012 meeting were approved by unanimous consent.

III. Old Business - Striped Bass

- A. ASMFC Public Hearing on Draft Addendum III to Amendment 6 to the Interstate Fishery Management Plan for Atlantic Striped Bass (Kate Taylor, ASMFC Striped Bass Coordinator)

Kate Taylor from the Atlantic States Marine Fisheries Commission (ASMFC) was present at the Fisheries Management Advisory Committee (FMAC) meeting to hold a public hearing, and collected public comments and feedback, on Draft Addendum III to Amendment 6 to the Interstate Fishery Management Plan for Atlantic Striped Bass. This addendum was drafted following recommendations by the Interstate Watershed Task Force and ASMFC Law Enforcement Committee to reduce the illegal harvest of striped bass. More detailed information on this addendum, additional public comments, as well more information on public comments made at this meeting can be requested from Kate Taylor, ASMFC Striped Bass Coordinator, at KTaylor@asmfc.org.

- B. Proposal and Process (ASMFC) to open striped bass commercial season January 16, 2013.

Mr. Joe Grist continued the discussion, which began at the last FMAC meeting; about the possibility of opening the striped bass commercial season two weeks earlier than current regulations allowed (More detailed information about the proposal can be read in the April 16, 2012 meeting minutes).

Mr. Grist addressed concerns mentioned at the April 2012 FMAC meeting regarding the gill net mesh restrictions currently in place in the river systems during the end of January. Subsection A of Chapter 4 VAC 20-751-20, provides “from January 1 through March 25 of each year, it shall be unlawful for any person to place, set, or fish any gill net with a stretched mesh size between 3-3/4 inches and six inches within the restricted areas as set forth below, except that during the month of February any legally licensed fisherman may place, set, or fish any gill net with a stretched mesh size from five inches to six inches within the restricted areas described in this subsection.”

Mr. Grist stated that the purpose of this chapter was to reduce the out-of-season by-catch of American shad and to preclude the harvest of coastal migratory striped bass, thereby reducing injuries and mortalities to these two species. This chapter is also intended to reduce the stranding and mortalities of threatened and endangered sea turtles. Mr. Grist stated that staff did not see any reason why the February exception could not be moved to January 16th to coincide with the opening of the commercial striped bass season and that staff recommended bring this before ASMFC for approval.

Mr. Weagley made a motion to support the staff proposal to open the commercial striped bass season on January 16th. The motion was seconded by Mr. Scott MacDonald. The motion passed 10 for and none against with two abstentions by Mr. Frank Kearney (proxy for Mr. Powers) and Mr. David Agee (Proxy for Dr. Ken Neil).

- C. Proposal to replace the no-take (between 28 and 34 inches) Chesapeake Area recreational slot limit with a 2-fish limit (18-inch minimum size) with one fish allowed to be greater than 28 inches

Mr. Rob O'Reilly began the discussion by reminding the committee about the future potential impacts the listing of Atlantic sturgeon may have on all of the fisheries of the Chesapeake Bay.

Mr. O'Reilly continued the discussion by asking the committee to provide comments and recommendations on a proposal that is being brought before the Commission at the June meeting which will remove the 28-34 inch no-take slot limit in the striped bass recreational fishery as supported by the Virginia Charter Boat Association (VCBA). The new regulation would be the same as it was in 2004, at a 2 fish limit (18-inch minimum size) with one fish allowed to be greater than 28 inches. The slot limit was put into regulation in 2004 in response to a quota overage in recreational Bay fishery in 2001 in attempt to slow down the fishery. Currently the recreational fishery has been under quota for the last two years and based on these data staff advocates that it is time to remove the no-take slot limit.

Mr. David Agee asked if this change would go into effect this year if the proposal was to be passed by the Commission. Mr. O'Reilly replied that it would be effective October 4th to coincide with the fall fishery.

Hon. Joe Palmer made a motion to take the proposal to the Commission for public hearing in June. The motion was seconded by Mr. Blackburn. The motion passed 11 for and none against with one abstention by Mr. Frank Kearney (proxy for Mr. Powers).

- D. Continued discussion on public request to allow spear fishing for striped bass

Mr. Lewis Gillingham led the discussion that revisited the proposed allowance of spear fishing for striped bass in Virginia. The item was tabled from the April 2012 meeting to allow committee members to gather feedback from the industry on gear conflict as well as to gather more information on safety (More detailed information on the proposal can be found in the April 2012 FMAC meeting minutes).

Mr. Gillingham proceeded by presenting information regarding current spear fishing activity. He stated that currently all east coast states allow some sort of spear fishing however only New Hampshire, Rhode Island, New Jersey, Delaware, and North Carolina allow spear fishing for striped bass. He also said that any gear conflicts with the hook-and-line anglers already exist in the area because spear fishermen are

already there harvesting other species, however the two user groups tend to target the species on different tides and currents.

Mr. Deem asked how quickly Virginia could revert this action if we got to the point where too many diver-down flags were causing conflict. Mr. Gillingham responded that it would not necessarily be an emergency regulation by the Commission and would take a normal 60-day cycle.

Chris Verde from the public, representing the Virginia Beach Divers Club, gave a brief presentation addressing safety concerns. He stated that diving was not listed in the top 30 safety concerns of the United States Coast Guard during 2010. Also the Diver Alert Network Report from 2008 only recorded minimal incidents worldwide.

There was then some discussion on the issue of gaffing and how law enforcement would be able to tell if a fish was speared or gaffed. Mr. Gillingham stated that gaffing was not as common a practice as it once was. Mr. Verde said that not allowing a gaffe on board during spear fishing boat trips or a tag or permit system would be acceptable to minimize enforcement problem.

Several individuals from the public spoke in support of the proposal. They commented that the recreational fishery has been under quota, the gear conflict would be very small, and that the Dive Club has addressed all the concerns that were brought up by the committee.

Mr. Scott MacDonald motioned to support the proposal to allow spear fishing in Virginia. The motion was seconded by Mr. Ernie Bowden. The motion passed with 11 for and none against with one abstention by Hon. Joe Palmer.

E. Continued discussion on conforming Chesapeake Area's recreational fishery to Maryland's season.

Mr. Grist discussed a recommendation by the VCBA to conform Virginia's recreational striped bass seasons to match Maryland seasons. Mr. Grist briefly summarized the Maryland, Potomac River, and Virginia regulations. He then asked the committee how they wanted to proceed, and if this was an issue that the committee wanted to invest time to pursue.

Mr. Blackburn responded that this was an issue that was brought up by the northern contingent of the VCBA, and personally he thought Virginia needed to simplify their regulations. Mr. Grist responded that currently staff was trying to simplify by eliminating the no-take slot limit, and that spring regulations have not changed over time, only the fall regulations have been adjusted.

Mr. Deem asked if anybody on the committee would like to pursue any part of VCBA request. No committee members responded that they wanted to pursue the request.

IV. New Business

A. Discussion: Commercial Hook-and-Line limited entry fishery update

Mr. Adam Kenyon presented information on the Commercial Hook-and-Line (CHL) license. The information was presented in response to public comments made by Mr. Harry Doernte at the previous FMAC meeting. Mr. Kenyon provided general information concerning the CHL license contained in Chapter 4 VAC 20-995-10 et seq. He summarized license usage by highlighting how license holders were maintaining their eligibility as well as what license holders were harvesting.

Additional public comments were received at this time by Mr. Doernte who had originally supported lowering the number of CHL licenses by using a “2 for 1” buy-in system. His objective was to get the number of CHL licensees down to those who only used the CHL license as commercial fisherman, and exclude those who were abusing the license to avoid recreational bag and size limits. He suggested the following requirements for eligibility: (1) 1,000 lbs of finfish harvest per year to enter the fishery and (2) the individual must maintain the license by harvesting 1,000 lbs per year as the primary harvester.

Mr. Chris Ludford from the public commented that he and his family members still gill net, eel fish, and grow oysters to maintain profitability outside of their CHL fishing. Mr. Ludford feels that there is a perception issue, that the public and even staff perceives that certain CHL fishermen are somehow maintaining their license in an attempt to abuse it. He feels the number of concessions made by CHL fishermen is large and that even more anglers are deserving of CHL licenses.

Hon. Joe Palmer commented that if we have a system in place that works that it should not be changed. Hon. Joe Palmer made a motion to table the issue and let it remain as status quo. The motion was seconded by Mr. Weagley. The motion passed 10 for and none against with two abstentions by Mr. Frank Kearney (proxy for Mr. Powers) and Mr. David Agee (Proxy for Dr. Ken Neil).

B. Discussion: Shad by-catch

Mr. Weagley asked Mr. O’Reilly’s opinion on the possibility of continuing the shad by-catch fishery in 2013. Mr. O’Reilly replied that a Fishery Sustainability Plan needs to be submitted to and approved by ASMFC. Currently there is a small number of permittees involved in the fishery which means that there would not potentially be a massive bycatch fishery. Mr. O’Reilly said they would like to have the report ready by August, for the annual ASMFC meeting in October.

V. Next Meeting Date

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

VI. Adjournment

The meeting was adjourned at 8:37 pm.