

Virginia Marine Resources Commission
Finfish Management Advisory Committee (FMAC)
380 Fenwick Road, Fort Monroe, VA
VMRC Commission Room,
Thursday, November 14, 2019 – 6:00 P.M.

ATTENDANCE

Members Present

Jeff Deem
John Bello
Ernest Bowden
Skip Feller
Michael Lightfoot
Scott MacDonald
Tom Powers
Bob Sinclair

Members Absent

Honorable Dr. Ken Neil
Honorable James Minor
Meade Amory
Dr. P. Milton Cook – on the webinar
Andy Hall
Walter Rogers
Robert Weagley

VMRC Staff Present

Pat Geer
Adam Kenyon
Lewis Gillingham
Alex Aspinwall
Ethan Simpson
Alexa Kretsch
Somers Smott
Jill Ramsey
Jennifer Farmer
Olivia Phillips
Ellen Bolen

Others Present

Charles Dryden
John Dryden
John Garland
Bob Fisher
John Satterly, USSA
Mike Avery, USSA
Kelly Place
David Johnson
George Trice IV
George Trice V
Capt. Mike Ostrander

Minutes were prepared by Olivia Phillips

I. FMAC Announcements – J. Deem

Mr. Jeff Deem called the meeting of the Finfish Management Advisory Committee to order at 6:02pm.

II. Approval of minutes from the August 26 and September 18 meetings – J. Deem

The minutes from the August and September 2019 meetings were reviewed and approved unanimously.

III. New Business:

A. Commercial Electrofishing for Catfish (A. Kretsch)

Ms. Alexa Kretsch, Fisheries Management staff member, presented information regarding the proposed blue catfish electrofishing fishery to the committee. Ms. Kretsch summarized results from the experimental blue catfish electrofishing study conducted from 2014 to 2017 by Mr. George Trice in conjunction with Mr. Bob Fisher of VIMS, and funded by Fisheries Resource Grants. Ms. Kretsch explained how electrofishing works; that the gear is restricted by temperature, salinity, and overall conductivity in the water; and that only catfish are susceptible to lower frequencies—under 15 Hz. Scaled fishes, such as bass and trout, could only be raised by frequencies higher than would be used in the commercial electrofishing fishery. The electrofishing studies also show no evidence that suggest negative effects of electrofishing on other commercial catfish gear (hoop nets).

Ms. Kretsch explained that there will be three licenses granted: one each within the James, Pamunkey, and Rappahannock Rivers. To be eligible for the license or to enter the lottery for licenses, applicants must have experience electrofishing or have harvested at least 1000 pounds of catfish per year in at least three of the last ten years. Licensees must complete an electrofishing safety course, which VMRC is organizing in conjunction with VIMS. The proposed regulation will restrict harvest to blue catfish and flathead catfish, and to blue catfish smaller than 25 inches. Other prohibitions include no electrofishing on the weekend or within 100 yards of any marked fishing year. The new regulation will go before the Commission for a public hearing on December 17, 2019. If the Commission approves the regulation, applications will be sent to eligible applicants and a lottery will be conducted in February 2020 to select the three licensees. The catfish electrofishing fishery will likely begin in May 2020.

The committee recognized the need to reduce blue catfish biomass in Virginia's rivers, but expressed some concerns. Mr. Powers and Mr. Lightfoot requested clarification of the 25 inch maximum size restriction. Ms. Kretsch explained that recreational anglers were concerned that the electrofishing fishery would remove all the large, trophy catfish and processors prefer catfish up to eight pounds, which are generally about 25 inches. Mr. Powers and Mr. Deem were concerned that users may change frequencies to target other species. Ms. Kretsch explained that the shocking unit will be modified by the company, and includes a cap at 15 hertz. Mr. Lightfoot was concerned with the cost of the equipment and the resulting implications for entering the fishery. Ms. Kretsch explained that the cost of the shocking unit was about \$19,000 (including shipping), which does not include the vessels. Mr. MacDonald stated that a large buy-into this fishery is not unlike entering any other fishery, and the committee agreed.

Mr. Fisher of VIMS explained that neither he nor Mr. Trice ever observed another species affected by low frequency electrofishing. Mr. Trice echoed this sentiment, and specified that he had even witnessed non-catfish species swimming at the surface and consuming the stunned catfish. Mr. Fisher also spoke to the processing concerns expressed by the committee. He indicated that one benefit of the catfish electrofishing fishery is that it will encourage processing within the state, and increase the value of catfish overall. Mr. Trice also stated that the development of the proposed electrofishing fishery would ultimately increase the value of catfish because electrofishing licensees will be able to continue catfish harvest when hoop netters cannot, which will maintain a constant supply of catfish for processors, thereby making it more profitable for processors to accept catfish. Mr. Bryan Peede of Wanchese Fish Company confirmed that the proposed electrofishing fishery would provide enough product to alleviate the inconvenience of calling and paying for USDA inspectors.

There were three public comments in regards to catfish electrofishing. Mr. Mike Avery expressed concern for the effect of electrofishing on other species of fishes, but clarified that he recognizes a need to reduce the blue catfish biomass, and that barring any negative effects to non-catfish species he supports the proposed electroshocking fishery as an efficient method to remove catfish. Mr. Kelly Place also provided public comment in support of the catfish electrofishing fishery, but expressed some concern regarding user safety courses. Captain Mike Ostrander, a catfish charter captain, reminded the committee that the recreational catfishing industry is highly valuable, and that he is in full support of the 25 inch maximum size for the commercial catfish electrofishing fishery.

Following public comment, Mr. Powers expressed concern about several aspects of the proposed electrofishing fishery. In particular, he suggested that staff include regional limitations in the regulation, limiting the fishery to more open parts of the rivers. He suggested that these regional limits would help to insure that the commercial electrofishing fishery targets and reduces densities in areas that are important to other species managed by VMRC, such as blue crabs. Mr. Powers added that these measures would reduce the interaction between electrofishing activities and other commercial catfishing gears. Ms. Kretsch assured Mr. Powers that staff have been working to establish regional limits for the catfish electrofishing fishery, and that the smaller tributaries (i.e., Appomattox and Chickahominy) are not conducive to electrofishing. Additionally, Mr. Powers discouraged staff from allowing electrofishing in the Potomac River tributaries and suggested that season closures should be included in the regulation because they will further reduce user conflicts. Lastly, Mr. Powers and Mr. Lightfoot expressed a need for transfers to be addressed in the regulation. Mr. Powers further encouraged staff to consider what the fishery will look like when there are 15 licensees, rather than solely focusing on the current three proposed users.

Ultimately, the committee felt that they did not have enough time to review all the information pertaining to the proposed fishery. The committee requested another meeting prior to the December Commission meeting to review the proposed regulation and allow for more public comment. The next committee meeting will be held on November 25 at 6 PM, and will focus solely on the proposed catfish electrofishing fishery.

B. Commercial Striped Bass Quota as a Result of ASMFC Addendum VI (A. Aspinwall)

Mr. Alex Aspinwall, Fisheries Management staff member, summarized the reductions that were approved during the ASMFC meeting in October. The Striped Bass Management Board approved an 18% reduction in quota for the commercial fishery, and specified that conservation equivalencies could be proposed by each state, but must ultimately result in an 18% reduction of total removals. Because of Virginia's reductions to the recreational fishery (approved by the Commission in October), staff is submitting a conservation equivalency proposal in which the reductions to the commercial fishery will be 9.37% rather than the full 18%. Based on average weights by area, the commercial quota for the Bay will be reduced by 7.66% and the commercial quota for the Coast will be reduced by 9.81%. In an effort to further protect the spawning stock biomass, staff is recommending that the commercial 28 inch maximum size limit season be extended to March 15 through June 15 (from March 26 to June 15). ASMFC will require circle hooks in 2020 to allow the industry to adjust to the gear needs.

There was concern from some members that the ASMFC approved an equal 18% cut from the recreational and commercial sectors and that the staff proposal put more of the burden on the recreational fishery. Mr. MacDonald disapproved of the circle hook measures, stating that allowing the recreational industry time to adjust to the new gear needs is discriminatory to the commercial sector. Mr. MacDonald also asked if the extra two weeks of protection resulting from the March 15 to March 26 size closure would provide the 7.66% reduction. Mr. Aspinwall explained that the commercial fishery will likely adjust for those two weeks, and thus the change in dates likely will not account for the 7.66% reduction. However, Amendment 7 to protect the spawning stock biomass will be implemented soon, and staff is hoping this adjustment will give Virginia some credit with ASMFC.

Mr. Bello clarified that staff is in fact recommending larger reductions in the recreational sector to balance reductions in the commercial sector, and Mr. Aspinwall confirmed. Mr. Bello and Mr. Powers expressed concern regarding conservation equivalency. Mr. Powers suggested that staff should maintain the reductions made to the recreational fishery while also taking the full 18% from the commercial sector. Mr. Bowden did not support Mr. Powers' suggestion, and rather explained that when the recreational and commercial sectors received reductions in the past, the recreational fishery never achieved their proposed cuts. Mr. Aspinwall confirmed that there is a lot of uncertainty in predicting the effect of reductions to the recreational sector. Mr. Bowden supported the staff recommendation to use the reductions to the recreational sector to balance the reductions to the commercial sector. Mr. Bowden also expressed concern regarding the lowered net size because it will only result in removals of more small fish rather than reductions in overall catch. Mr. Aspinwall clarified that the staff goal is to protect the largest, spawning fish, and that overall reductions will be made through adjustments in the commercial quota. He further indicated that although these measures may increase the number of smaller fish caught, staff does not expect the number to increase astronomically based on the adjusted quota. Mr. Lightfoot requested that the 7.66% reduction was the value going before the Commission, and Mr. Aspinwall confirmed that it was. Mr. Lightfoot stated that 7.66% was much better than 18%, but that 7.66% reductions would still result in significant losses for commercial fishermen with a lot of quota. Mr. MacDonald stated that such a loss is the risk you take when you purchase quota. He also agreed with Mr. Bowden, stating that the commercial sector will likely increase its harvest of smaller fish, and asked Mr. Aspinwall if the egg production is greater for one 25 pound female or two 12 pound females. Mr. Aspinwall stated that, on average, the egg production for the one 25 pound female is much higher than the egg production from the two 12 pound fish.

Mr. Kelly Place told the committee that the commercial fishery has taken many reductions in the past, and he feels that the commercial sector never received credit for those reductions. He also stated that the recreational sector habitually fishes over its allotted quota, and the commercial sector's underage is often used to balance out the recreational overage. Mr. Place is supportive of the proposed conservation equivalency in which the reduction in the recreational sector is being used to buffer the reduction in the commercial sector. He is not happy about a cut, but was grateful that the commercial sector will not receive the full 18% reduction.

Mr. MacDonald made a motion to approve staff recommendation. Mr. Bowden seconded the motion. The final vote was 4-2-1, so the motion passed.

C. Discussion of February 2020 Recreational Black Sea Bass Season (A. Aspinwall)

Mr. Apsinwall requested the committee's approval of a February 2020 recreational black sea bass season. As in 2019, VMRC would monitor landings and effort through a recreational black sea bass permit, and fishing days would be deducted from the season to account for February landings of black sea bass.

Mr. Feller supported the proposed season, stating that it worked well last year and the dates worked well for everyone, and that hopefully February 2020 would bring us good fishing weather again. Mr. Bowden asked if the 2020 season would be similar to the 2019 season, and Mr. Apsinwall assured him that it would, and that dates may change but staff would keep the committee informed. Mr. Sinclair requested confirmation that the February season would still result in a June closure, and Mr. Apsinwall confirmed that would be up to the committee. Mr. Feller agreed that he would prefer the February season result in a June closure than a May. Mr. Apsinwall said that staff would know how many days would come from out of the month of June after the February 2020 season. Mr. Lewis Gillingham reminded the committee that if weather was poor in February, no days would be removed from the regular black sea bass season.

Public comment was in support of the February 2020 black sea bass season. Mr. Mike Avery requested that the February 2020 season be similar to the February 2019 season. He further stated that he appreciates the opportunity to fish for black sea bass in February when there aren't a lot of other options. He specified that losing black sea bass fishing days in June doesn't really have negative impacts because there are plenty of other species to target in June. Mr. Avery was supportive of the February 2020 season.

Mr. Deem requested feedback from the committee. **The committee unanimously approved opening the February 2020 recreational black sea bass season.**

D. Update from ASMFC October Meeting (October 28-31)

i. Menhaden Update (P. Geer)

Chief of Fisheries, Pat Geer, reported that ASMFC found Virginia out of compliance with Amendment 3 by a unanimous vote. The Bay cap is 51,000 and was exceeded in 2019 by 30%. As a result, the Bay quota will be reduced in 2020 to account for the overage. Chief Geer explained that ASMFC will submit a letter to the Secretary of Commerce on November 15, and the Secretary of Commerce has 30 days to render a decision. He also explained that if Virginia is found out of compliance, all Virginia menhaden fisheries (reduction and bait) will be shut down.

Mr. Bello asked Chief Geer if there was any way that only the reduction fishery could be found out of compliance. Chief Geer responded that staff would confirm, but was told that the Secretary could not selectively close sectors. Mr. Bowden asked about the menhaden fishery reference points, and Chief Geer informed him that the menhaden fishery was overfished and overfishing was occurring when the last reduction was implemented, but the most recent stock assessment showed the stock is not overfished and overfishing is not occurring. Mr. Powers clarified that the last reduction within the Bay was approved because of the role menhaden play in the ecosystem. Mr. Bello said that the current menhaden quota is based on landings of the previous five years, and was set as a precautionary measure. Mr. Deem asked Chief Geer if there had ever been a study conducted that focused on the Chesapeake Bay stock of menhaden, and Chief Geer said that ecosystem reference points are being calculated for menhaden within

the Bay. Mr. Lightfoot requested the breakdown between sectors, and Chief Geer stated that the bait fishery makes up less than 7% of the overall menhaden fishery. Mr. Powers added that the bait fishery is much smaller within the Chesapeake Bay. Mr. Lightfoot was concerned about bycatch of menhaden in other fisheries, and Chief Geer confirmed that fishermen could not keep menhaden as bycatch if Virginia is found out of compliance. Chief Geer further explained that if Virginia is found out of compliance, menhaden would not be able to be landed in Virginia regardless of where it was caught. Chief Geer urged the committee and the public to speak to their representatives and to the Secretary of Commerce to voice their concerns.

ii. Croaker and Spot Management Updates (S. Smott)

Ms. Somers Smott, Fisheries Management staff member, reported that there is currently no management plan for croaker and spot in Virginia, and provided the proposed management updates discussed at the ASMFC October meeting. Croaker and spot are managed using results of traffic light analyses rather than stock assessments because these species are data poor. Ms. Smott explained that, based on TLA triggers, croaker and spot recreational harvest will be reduced using bag limits and commercial harvest will be reduced by plans implemented by specific states. The bag limits could range from 30 to 50 fish (per person) based on the option chosen by ASMFC, and the commercial reductions range from 1% to 20% of the 10-year average. Ms. Smott also specified that state/region-specific measures are being considered because croaker and spot harvest and abundance vary based on region. Ms. Smott informed the committee that the ASMFC public hearing will be held on January 7th at 6:30PM, and staff would organize a workgroup following the ASMFC decision.

The committee agreed to discuss this matter further after the public hearing and the ASMFC decision. Mr. Feller indicated that he would prefer Virginia instate bag limits over size limits. Ms. Smott assured him that staff will recommend bag limits and clarified that the croaker and spot technical committee is pushing for regional measures. Mr. Powers urged staff to consider commercial measures. Mr. MacDonald responded to this request by reminding the committee that commercial fishermen rarely target croaker anymore because they simply aren't there. Mr. Powers suggested that the natural reduction in croaker occurred because the population is down, and that reducing fishing pressure would allow the population to recover. Chief Geer assured the committee that this issue would be before the committee again soon. Mr. Powers requested that staff consider how bag limits would affect possession. He explained that users are concerned about implications for collecting and maintaining live bait (e.g., bait pens and fish pots).

IV. Old Business

The next meeting will be November 25 at 6 PM. Staff will provide the committee with the catfish electrofishing regulation, and the committee will review it at the next meeting and allow the public to comment.

V. Adjournment

The meeting was adjourned at 8:13 pm by Mr. Jeff Deem.